

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

IN RE: JOHNSON & JOHNSON)
TALCUM POWDER PRODUCTS)
MARKETING, SALES PRACTICES,) MDL NO. 16-2738 (MAS) (RLS)
AND PRODUCTS LIABILITY)
LITIGATION,)
_____)

VIDEOCONFERENCE DEPOSITION

OF

DANIEL CLARKE-PEARSON, M.D.

(Taken virtually by Defendants)

Wednesday, January 17, 2024

Reported by: Christine A. Taylor, RPR

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<p style="text-align: right;">Page 6</p> <p>1 On January 17, 2024, commencing at 2 9:05 a.m., the videoconference deposition of 3 DANIEL CLARKE-PEARSON, M.D., was taken pursuant to 4 notice and pursuant to the Federal Rules of Civil 5 Procedure, on behalf of the Defendants, remotely 6 via Zoom. 7 --- 8 PROCEEDINGS 9 --- 10 DANIEL CLARKE-PEARSON, 11 having first been duly sworn, was examined 12 and testified as follows: 13 EXAMINATION 14 BY MS. DAVIDSON: 15 Q. Good morning, Dr. Clarke-Pearson. It's 16 nice to meet you. I understand you've been deposed 17 before. We've got a lot of ground to cover today, 18 so I'm not going to go into the basics of a 19 deposition. But, basically, if you need a break, 20 let me know, and please provide verbal answers to 21 every question. Okay? 22 A. Okay. 23 Q. Can you state your full name for the 24 record? 25 A. Daniel Lyle Clarke-Pearson.</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. And when you say "our attorneys," who 2 are you referring to? 3 A. I'm talking about Ms. O'Dell. 4 Q. And you said you have specific epi 5 papers. Who put those together? 6 A. I did. 7 Q. And do you have any notes on those epi 8 papers? 9 A. Yes. 10 Q. Have you produced those notes to us? 11 A. Not that I'm aware of. 12 MS. DAVIDSON: I'm going to request 13 that those notes be produced to us, either 14 during a break or if they are not produced 15 to us until after the deposition, I'm going 16 to have to hold the deposition open. We -- 17 THE WITNESS: Sorry, I can't hear you. 18 MS. DAVIDSON: -- don't have any 19 notes -- 20 MS. O'DELL: We can't hear you, 21 Jessica, I'm sorry. Would you mind 22 repeating it? 23 MS. DAVIDSON: We did not receive any 24 notes that Dr. Clarke-Pearson had on any epi 25 papers. So I need to ask for those to be</p>
<p style="text-align: right;">Page 7</p> <p>1 Q. And, Dr. Clarke-Pearson, where are you 2 testifying from today? 3 A. I'm in Chapel Hill, North Carolina, at 4 the Carolina Inn. 5 Q. Do you still reside in North Carolina? 6 A. Yes. 7 Q. Do you have any materials with you 8 today? 9 A. Yes. 10 Q. Can you please tell me what you have 11 with you? 12 A. Oh, my. Predominantly publications 13 that have been listed in my reports. I have my 14 reports. I have Dr. Longo's reports. I have some 15 specific epidemiology papers. I have a 16 reviewers -- document of reviewers looking at a 17 paper Dr. Saed wrote. I have a list of all my 18 materials considered. Two binders that have all 19 those -- all those publications, those papers and 20 materials adjacent to my table here. I have 21 invoices that I've submitted since the last 22 deposition. I believe that covers it -- covers it. 23 Q. Who prepared the binders of 24 publications and papers? 25 A. Our attorneys did.</p>	<p style="text-align: right;">Page 9</p> <p>1 produced. I don't know if those can be 2 produced during today's deposition or we'll 3 have to hold the deposition open. 4 MS. O'DELL: I mean, I think you're -- 5 you're welcome to ask him about his notes 6 and you're welcome to mark the papers. And 7 Dr. Clarke-Pearson will be happy to walk you 8 through any notes that he has. To my 9 knowledge, they're very limited. And then 10 you can ask him about them. 11 Happy to have those -- copies of those 12 papers marked as exhibits to the deposition, 13 but we will not agree to hold the deposition 14 open. 15 MS. DAVIDSON: Well, because the 16 deposition is remote, I don't have an 17 ability to see those notes to question about 18 them, and I believe they should have been 19 produced before. Those notes are subject to 20 production under Rule 26. 21 So we're going to need to get those, 22 and I'll have to take a look and see if we 23 need to ask further questions. So we will 24 be holding the deposition open. You can 25 object to that.</p>

<p style="text-align: right;">Page 10</p> <p>1 MS. O'DELL: We will object to that.</p> <p>2 And, certainly, it was your decision to</p> <p>3 conduct the deposition remotely. There was</p> <p>4 no order to do that. You certainly could</p> <p>5 have been here in person if you had chosen</p> <p>6 and made the election not to do that. So we</p> <p>7 we'll try to address this, Jessica. Let's</p> <p>8 just proceed. We aren't going to agree.</p> <p>9 BY MS. DAVIDSON:</p> <p>10 Q. Dr. Clarke-Pearson, how did you prepare</p> <p>11 for your deposition?</p> <p>12 A. It's been going on for a while. I've</p> <p>13 been reviewing materials that -- that I've listed</p> <p>14 and reviewed my reports, my general report as well</p> <p>15 as reports from my patients. I've reviewed</p> <p>16 literature that I thought might be useful in this</p> <p>17 deposition. I think that's the core of what I've</p> <p>18 done over the last couple of weeks in preparing for</p> <p>19 this deposition.</p> <p>20 Q. Did you meet with counsel to prepare</p> <p>21 for the deposition?</p> <p>22 A. I have.</p> <p>23 Q. Whom did you meet with?</p> <p>24 A. Ms. O'Dell and Dr. Thompson.</p> <p>25 Q. When did you meet with them?</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. You were deposed in August 2021. Do</p> <p>2 you recall that?</p> <p>3 A. Yes.</p> <p>4 Q. When is the last time you looked at</p> <p>5 that deposition testimony?</p> <p>6 A. I may have scanned it shortly after the</p> <p>7 deposition when it became available to me. That</p> <p>8 would be the last time.</p> <p>9 Q. You were also deposed in 2019, correct,</p> <p>10 in the MDL?</p> <p>11 A. Yes.</p> <p>12 Q. And when is the last time you took a</p> <p>13 look at that deposition?</p> <p>14 A. I don't recall.</p> <p>15 Q. Do you stand by all the testimony that</p> <p>16 you gave in 2019?</p> <p>17 A. Yes.</p> <p>18 Q. And do you stand by all the testimony</p> <p>19 that you gave in August 2021?</p> <p>20 A. Yes.</p> <p>21 Q. Is there any testimony from either</p> <p>22 deposition that you wish to change?</p> <p>23 A. Not that I'm aware of.</p> <p>24 Q. Did Ms. O'Dell and Ms. Thompson show</p> <p>25 you any documents to prepare for this deposition?</p>
<p style="text-align: right;">Page 11</p> <p>1 A. I'm sorry, again, I didn't hear you.</p> <p>2 Q. When did you meet with them?</p> <p>3 A. I met with them yesterday.</p> <p>4 Q. For how long?</p> <p>5 A. Approximately five hours.</p> <p>6 Q. Have you had any other meetings with</p> <p>7 them in the last few months?</p> <p>8 A. We've had a Zoom meeting. I'm not sure</p> <p>9 when it was. Within the last two weeks.</p> <p>10 Q. How many Zoom meetings?</p> <p>11 A. I believe just one.</p> <p>12 Q. And how long did that last?</p> <p>13 A. A few hours.</p> <p>14 Q. Was that also to prepare for the</p> <p>15 deposition?</p> <p>16 A. Yes.</p> <p>17 Q. Have you had any other meetings, calls,</p> <p>18 or Zooms to prepare for the deposition?</p> <p>19 A. Can you give me a time frame?</p> <p>20 Q. For this deposition?</p> <p>21 A. For this deposition. No, I don't think</p> <p>22 so.</p> <p>23 Q. Did you review your prior depositions</p> <p>24 to prepare for this deposition?</p> <p>25 A. No, I haven't.</p>	<p style="text-align: right;">Page 13</p> <p>1 MS. DAVIDSON: You can answer that</p> <p>2 question if you were shown or were not</p> <p>3 shown, but not the substance of what was</p> <p>4 discussed or what was shown.</p> <p>5 THE WITNESS: Other than one document</p> <p>6 that I recall is different than documents</p> <p>7 that I would have had already was the</p> <p>8 journal reviewer's comments about Dr. Saed's</p> <p>9 paper.</p> <p>10 BY MS. DAVIDSON:</p> <p>11 Q. You produced three invoices to us this</p> <p>12 week. Do you know that?</p> <p>13 A. I'm sorry, the fire truck just went by</p> <p>14 here. Let me -- can you repeat that? I didn't</p> <p>15 hear you.</p> <p>16 Q. Are you aware that you produced three</p> <p>17 invoices to defendants this week?</p> <p>18 A. I produced invoices. They're here.</p> <p>19 I'm not sure there are three.</p> <p>20 MS. DAVIDSON: All right. Let's mark</p> <p>21 those.</p> <p>22 MS. O'DELL: Are you marking them all</p> <p>23 as one exhibit, Jessica, or are you going to</p> <p>24 mark them individually?</p> <p>25 MS. DAVIDSON: Asher?</p>

<p style="text-align: right;">Page 14</p> <p>1 MR. TRANGLE: Yes.</p> <p>2 MS. DAVIDSON: You're marking</p> <p>3 collectively --</p> <p>4 MR. TRANGLE: Right.</p> <p>5 MS. DAVIDSON: -- all the three</p> <p>6 invoices we got this week; is that correct?</p> <p>7 MR. TRANGLE: Correct.</p> <p>8 MS. DAVIDSON: Okay. So let's mark</p> <p>9 those as Exhibit 1. And in order to make</p> <p>10 this easier, I created a demonstrative. So</p> <p>11 let's mark as Exhibit 2 the summary of the</p> <p>12 invoices.</p> <p>13 (Exhibits 1 and 2 marked for</p> <p>14 identification.)</p> <p>15 MS. DAVIDSON: Thanks Asher.</p> <p>16 BY MS. DAVIDSON:</p> <p>17 Q. So this document shows the five</p> <p>18 invoices we received in the past from you and the</p> <p>19 most recent three invoices, and my math is kind of</p> <p>20 lousy --</p> <p>21 MS. O'DELL: Jessica --</p> <p>22 MS. DAVIDSON: Both my math and my eyes</p> <p>23 are lousy.</p> <p>24 MS. O'DELL: -- Dr. Clarke-Pearson</p> <p>25 asked if it could be made bigger, Jessica.</p>	<p style="text-align: right;">Page 16</p> <p>1 A. No. This includes work up until</p> <p>2 December 31st, 2023.</p> <p>3 Q. About how many hours would you say</p> <p>4 you've worked since December 31?</p> <p>5 A. Well, I don't like to guess in a</p> <p>6 deposition, so I can't tell you for sure.</p> <p>7 Q. Would it be more or less than 50 hours?</p> <p>8 A. Probably more than 50 hours.</p> <p>9 Q. Would it be more or less than</p> <p>10 100 hours?</p> <p>11 A. Probably less.</p> <p>12 Q. Okay. So somewhere between 50 hours</p> <p>13 and 100 hours of unbilled time. When do you plan</p> <p>14 to submit those bills?</p> <p>15 A. After this deposition.</p> <p>16 Q. All right. I'm going to request on the</p> <p>17 record that that invoice be produced to us.</p> <p>18 Dr. Clarke-Pearson, did you somewhere</p> <p>19 between October and December -- October 2021 and</p> <p>20 December 2023 raise your rate from 800 to 900</p> <p>21 dollars an hour?</p> <p>22 A. Yes, I did.</p> <p>23 Q. When did you do that?</p> <p>24 A. I don't remember specifically.</p> <p>25 Q. And, Dr. Clarke-Pearson, what</p>
<p style="text-align: right;">Page 15</p> <p>1 So, Asher, if you could do that. Thank</p> <p>2 you.</p> <p>3 And then, secondly, would you mind</p> <p>4 putting this document in the chat.</p> <p>5 MR. TRANGLE: Sure.</p> <p>6 MS. O'DELL: Thank you.</p> <p>7 BY MS. DAVIDSON:</p> <p>8 Q. Dr. Clarke-Pearson, this shows about</p> <p>9 \$125,000.</p> <p>10 MS. O'DELL: I'm sorry, we don't know</p> <p>11 where you're looking at, Jessica, if you --</p> <p>12 MS. DAVIDSON: You didn't let me finish</p> <p>13 my question, Leigh. Maybe just wait until</p> <p>14 I'm done with my question.</p> <p>15 MS. O'DELL: I'm sorry. Please</p> <p>16 proceed.</p> <p>17 MS. DAVIDSON: I was in the middle of</p> <p>18 the question. Let's just start the question</p> <p>19 again.</p> <p>20 BY MS. DAVIDSON:</p> <p>21 Q. Dr. Clarke-Pearson, for invoices 6, 7,</p> <p>22 and 8 in total, this shows about \$128,000. Does</p> <p>23 this reflect all the work you've done since</p> <p>24 August 20 -- August -- I guess we'd say August 1,</p> <p>25 2021?</p>	<p style="text-align: right;">Page 17</p> <p>1 percentage of your income would you say is derived</p> <p>2 from expert testimony?</p> <p>3 A. Well, I'm retired at this point in</p> <p>4 time. So my income is quite different than it was</p> <p>5 when I was in practice and working at the</p> <p>6 university. So I still work at the university but</p> <p>7 on a very reduced salary.</p> <p>8 In the past, my income from</p> <p>9 medical-legal work was approximately about</p> <p>10 10 percent of my salary. I can't give you an exact</p> <p>11 number now that I'm retired and living on Social</p> <p>12 Security and a pension and some other mandatory</p> <p>13 deductions from my retirement accounts.</p> <p>14 Q. Fair to say that now that you're</p> <p>15 retired it's significantly more than 10 percent?</p> <p>16 MS. O'DELL: Object to the form.</p> <p>17 Excuse me. Object to the form.</p> <p>18 THE WITNESS: It's more than</p> <p>19 10 percent, yes.</p> <p>20 BY MS. DAVIDSON:</p> <p>21 Q. Can you estimate about what percentage</p> <p>22 it is?</p> <p>23 A. No, I really can't.</p> <p>24 Q. Is it more than 25 percent?</p> <p>25 A. It may be.</p>

<p style="text-align: right;">Page 18</p> <p>1 Q. Is it more than 50 percent?</p> <p>2 A. I don't think so.</p> <p>3 Q. So is your best estimate that it's</p> <p>4 somewhere between 25 and 50 percent of your income</p> <p>5 currently is from expert work?</p> <p>6 MS. O'DELL: Object to the form.</p> <p>7 THE WITNESS: I just can't give you a</p> <p>8 specific number. I'm sorry.</p> <p>9 BY MS. DAVIDSON:</p> <p>10 Q. Do you know what your annual earnings</p> <p>11 are from your pension?</p> <p>12 MS. O'DELL: Object. He's not --</p> <p>13 you're not entitled to know that</p> <p>14 information, Jessica. So I would object to</p> <p>15 the question.</p> <p>16 And, Dr. Clarke-Pearson, you don't have</p> <p>17 to respond to that.</p> <p>18 MS. DAVIDSON: I am trying to determine</p> <p>19 what percentage of his income comes from</p> <p>20 expert work which is a completely</p> <p>21 appropriate question. In order to determine</p> <p>22 that, I need to know how much his pension</p> <p>23 is.</p> <p>24 MS. O'DELL: No, Jessica. I mean, he's</p> <p>25 given you his best estimate of the</p>	<p style="text-align: right;">Page 20</p> <p>1 MS. O'DELL: Same instruction,</p> <p>2 Dr. Clarke-Pearson.</p> <p>3 MS. DAVIDSON: I'm asking him simply if</p> <p>4 he knows.</p> <p>5 BY MS. DAVIDSON:</p> <p>6 Q. Do you know how much your pension is</p> <p>7 per year? I'm not asking what it is.</p> <p>8 MS. O'DELL: I don't know what you mean</p> <p>9 by the question what's his pension per year,</p> <p>10 Jessica. But, you know, Dr. Clarke-Pearson,</p> <p>11 what he knows or what he doesn't know about</p> <p>12 his pension, retirement, et cetera are not</p> <p>13 appropriate subject matter for this</p> <p>14 deposition. And he has testified to your</p> <p>15 questions about percentages to the best of</p> <p>16 his knowledge.</p> <p>17 MS. DAVIDSON: Well, he said he doesn't</p> <p>18 know and, therefore, I'd like to know if he</p> <p>19 knows his pension because if he knows his</p> <p>20 pension, then he does know what percentage</p> <p>21 it is.</p> <p>22 MS. O'DELL: I don't think that's what</p> <p>23 he said. He gave you his estimate.</p> <p>24 MS. DAVIDSON: He did not.</p> <p>25 MS. O'DELL: Yes, he did.</p>
<p style="text-align: right;">Page 19</p> <p>1 percentage, and he's testified to that.</p> <p>2 You're not entitled to walk through, you</p> <p>3 know, his retirement accounts or any of that</p> <p>4 information. You know, that's not subject</p> <p>5 to disclosure. What you're entitled to know</p> <p>6 is how much he's been paid for this work in</p> <p>7 this case, which we've provided that</p> <p>8 information to you and he's testified to.</p> <p>9 And so we would object to the questions</p> <p>10 about his assets.</p> <p>11 BY MS. DAVIDSON:</p> <p>12 Q. Dr. Clarke-Pearson, are you refusing to</p> <p>13 testify to what percentage of your income comes</p> <p>14 from expert work?</p> <p>15 MS. O'DELL: So to be clear,</p> <p>16 Dr. Clarke-Pearson has already responded to</p> <p>17 your questions. And Dr. Clarke-Pearson is</p> <p>18 here to answer your questions that are</p> <p>19 appropriate under the rules. And asking him</p> <p>20 about the value of his retirement, his other</p> <p>21 assets. Those questions are inappropriate.</p> <p>22 So I've instructed him not to answer.</p> <p>23 BY MS. DAVIDSON:</p> <p>24 Q. Dr. Clarke-Pearson, do you know how</p> <p>25 much your pension is per year?</p>	<p style="text-align: right;">Page 21</p> <p>1 MS. DAVIDSON: Leigh, are you going to</p> <p>2 let me take this deposition?</p> <p>3 MS. O'DELL: I am. But I am --</p> <p>4 absolutely --</p> <p>5 MS. DAVIDSON: Instructing --</p> <p>6 MS. O'DELL: Don't interrupt me. Let's</p> <p>7 just start off -- start the day well.</p> <p>8 MS. DAVIDSON: You're interrupting my</p> <p>9 questions.</p> <p>10 MS. O'DELL: Don't interrupt me. What</p> <p>11 I said to him is he's given you his estimate</p> <p>12 of the appropriate -- his estimate of the</p> <p>13 percentage of his current income to the best</p> <p>14 of his knowledge. You're not entitled to</p> <p>15 know other information about his retirement,</p> <p>16 et cetera, as I've stated.</p> <p>17 BY MS. DAVIDSON:</p> <p>18 Q. Dr. Clarke-Pearson, Ms. O'Dell has</p> <p>19 represented that you told me what percentage of</p> <p>20 your current income is from expert work. What</p> <p>21 percentage is that? Because I didn't hear an</p> <p>22 answer.</p> <p>23 MS. O'DELL: He gave an estimate</p> <p>24 previously. Dr. Clarke-Pearson, if you want</p> <p>25 to repeat the previous testimony you've</p>

<p style="text-align: right;">Page 22</p> <p>1 given about your best information, you may</p> <p>2 about a percentage, but other information</p> <p>3 they're not entitled to.</p> <p>4 THE WITNESS: I think my response to</p> <p>5 you was within a range. The court reporter</p> <p>6 might want to read back what I said.</p> <p>7 MS. DAVIDSON: I'm sorry,</p> <p>8 Dr. Clarke-Pearson, I couldn't hear you.</p> <p>9 THE WITNESS: I said I gave you a</p> <p>10 range. 25 percent was some number you threw</p> <p>11 out there, and I said it was probably close</p> <p>12 to that. The court reporter could probably</p> <p>13 read back specifically what I said.</p> <p>14 BY MS. DAVIDSON:</p> <p>15 Q. Dr. Clarke-Pearson, if I ask a</p> <p>16 question, I am entitled to an answer rather than</p> <p>17 asking the court reporter to repeat your testimony.</p> <p>18 Are you testifying that it's</p> <p>19 approximately 25 percent of your income that comes</p> <p>20 currently from expert work?</p> <p>21 A. I don't know exactly what it is.</p> <p>22 Q. I understand you don't know exactly</p> <p>23 what it is, but is it approximately 25 percent or</p> <p>24 more than 25 percent?</p> <p>25 A. I don't know.</p>	<p style="text-align: right;">Page 24</p> <p>1 I don't recall any other travel except</p> <p>2 around Chapel Hill here in North Carolina.</p> <p>3 Q. Does counsel play -- for plaintiffs pay</p> <p>4 for your travel?</p> <p>5 A. Yes, I think so.</p> <p>6 Q. Do you have any requirements with</p> <p>7 respect to travel?</p> <p>8 MS. O'DELL: Object to the form.</p> <p>9 Vague. I mean, what do you mean by</p> <p>10 requirements?</p> <p>11 And I'm not sure I understand the</p> <p>12 question.</p> <p>13 BY MS. DAVIDSON:</p> <p>14 Q. Dr. Clarke-Pearson, do you fly first</p> <p>15 class?</p> <p>16 A. That is a request that's on my fee</p> <p>17 schedule, yes.</p> <p>18 Q. Asher, if you could put up the invoice</p> <p>19 from October 14, 2021, which was part of Exhibit 1.</p> <p>20 Dr. Clarke-Pearson, do you know why there's</p> <p>21 redactions on this invoice?</p> <p>22 A. No, I don't.</p> <p>23 MS. O'DELL: I'll represent, Jessica,</p> <p>24 that redaction relates to a case in which</p> <p>25 Dr. Clarke-Pearson is not disclosed as an</p>
<p style="text-align: right;">Page 23</p> <p>1 Q. Have you had to travel for this</p> <p>2 litigation?</p> <p>3 A. With regard to this deposition?</p> <p>4 Q. Have you had to travel at all with</p> <p>5 respect to your MDL work?</p> <p>6 A. Yes.</p> <p>7 MS. O'DELL: At any point in time,</p> <p>8 Jessica? I'm just trying to understand what</p> <p>9 your question is.</p> <p>10 MS. DAVIDSON: Dr. Clarke-Pearson</p> <p>11 understood the question and he said yes.</p> <p>12 BY MS. DAVIDSON:</p> <p>13 Q. When did you travel for the MDL</p> <p>14 proceeding?</p> <p>15 MS. O'DELL: You're free to answer the</p> <p>16 question.</p> <p>17 THE WITNESS: As best I recall, I went</p> <p>18 to -- I think we stayed in Princeton, New</p> <p>19 Jersey, and went to federal court in the MDL</p> <p>20 case. I don't know the exact dates.</p> <p>21 BY MS. DAVIDSON:</p> <p>22 Q. Does counsel for -- sorry, I thought</p> <p>23 you were done.</p> <p>24 A. Sorry, you too. I stopped for a</p> <p>25 moment.</p>	<p style="text-align: right;">Page 25</p> <p>1 expert. He consulted.</p> <p>2 So you're not entitled to that</p> <p>3 information. But, certainly, we provided</p> <p>4 the number of hours extended as well as the</p> <p>5 total bill.</p> <p>6 BY MS. DAVIDSON:</p> <p>7 Q. Dr. Clarke-Pearson --</p> <p>8 MS. O'DELL: Excuse me, Jessica, I'm</p> <p>9 sorry.</p> <p>10 MS. DAVIDSON: I'm sorry, Leigh.</p> <p>11 MS. O'DELL: I'm sorry. There was just</p> <p>12 a little feedback here. I'm just asking if</p> <p>13 there was something on. Okay. Sorry about</p> <p>14 that.</p> <p>15 BY MS. DAVIDSON:</p> <p>16 Q. Dr. Clarke-Pearson, what are the</p> <p>17 Callahan and Baker cases that are referenced on</p> <p>18 this sheet?</p> <p>19 A. Yeah, I see what you're saying. I</p> <p>20 honestly don't recall. Been so focused on this</p> <p>21 case that I don't recall these cases that I did a</p> <p>22 little bit of work on.</p> <p>23 Q. And, Dr. Clarke-Pearson, in your expert</p> <p>24 report submitted on November 2023, you stated that</p> <p>25 your rate is the \$800 per hour. Is that an error?</p>

<p style="text-align: right;">Page 26</p> <p>1 A. That's an error. Currently, it's \$900</p> <p>2 an hour.</p> <p>3 Q. And why did you raise your rate?</p> <p>4 A. Just like other things in the economy,</p> <p>5 my rate is moving with inflation, I suppose, you</p> <p>6 know, best way to describe it.</p> <p>7 Q. Do you do any expert work for anyone</p> <p>8 other than Ms. O'Dell, Ms. Thompson, and</p> <p>9 Ms. Parfitt?</p> <p>10 A. Yes.</p> <p>11 Q. What other expert work do you do?</p> <p>12 A. Not product liability, but other</p> <p>13 medical malpractice issues.</p> <p>14 Q. Have you appeared as an expert in any</p> <p>15 medical malpractice cases in the last four years?</p> <p>16 A. To the extent you mean appear by</p> <p>17 deposition, court? What do you mean by that?</p> <p>18 Q. Either.</p> <p>19 A. In the last four years, I don't believe</p> <p>20 I've had any depositions. I've just been</p> <p>21 consulting with attorneys.</p> <p>22 Q. In the last four years, has all of your</p> <p>23 expert income come from the talc litigation?</p> <p>24 A. Can I correct what I just said a minute</p> <p>25 ago to your last question? I did have a deposition</p>	<p style="text-align: right;">Page 28</p> <p>1 I may have started working with that attorney when</p> <p>2 I was at \$800 an hour. I'd have to check my</p> <p>3 records to be sure. It may well be \$800 an hour.</p> <p>4 Q. So in the middle of that proceeding,</p> <p>5 you didn't raise your rates?</p> <p>6 MS. O'DELL: Object to the form.</p> <p>7 THE WITNESS: I stayed with the rate</p> <p>8 that I offered to work for this attorney</p> <p>9 when I originally was engaged.</p> <p>10 BY MS. DAVIDSON:</p> <p>11 Q. In the talc matter, however, you didn't</p> <p>12 stay with your rate; is that correct?</p> <p>13 A. I didn't stay with the rate. I got</p> <p>14 approval from Ms. O'Dell to increase my rate.</p> <p>15 Q. Were you retained in Albright by the</p> <p>16 plaintiff or by the defendant?</p> <p>17 A. By the defendant.</p> <p>18 Q. Who was the defendant?</p> <p>19 A. I can't remember specifics. It was a</p> <p>20 nurse practitioner and a physician that worked in a</p> <p>21 clinic affiliated with Barnes-Jewish Hospital in</p> <p>22 St. Louis, Washington University.</p> <p>23 Q. Did you conclude that the Pap smear had</p> <p>24 been normal?</p> <p>25 A. I'm sorry?</p>
<p style="text-align: right;">Page 27</p> <p>1 recently within the past month. Lasted for about</p> <p>2 two hours.</p> <p>3 MS. DAVIDSON: I do not believe that</p> <p>4 was disclosed, Leigh. So I would request</p> <p>5 that you amend his disclosure.</p> <p>6 BY MS. DAVIDSON:</p> <p>7 Q. What was that deposition in?</p> <p>8 A. I'm sorry.</p> <p>9 Q. What was the case where you were</p> <p>10 deposed?</p> <p>11 A. I believe it was the Albright case in</p> <p>12 St. Louis.</p> <p>13 Q. What does that case involve?</p> <p>14 A. What does that case involve?</p> <p>15 Q. I'm sorry, I didn't hear --</p> <p>16 A. It involves an abnormal Pap smear that</p> <p>17 the patient alleges was not reported to her.</p> <p>18 Q. Did the patient have cancer?</p> <p>19 A. She ultimately developed cancer</p> <p>20 18 months after her Pap smear.</p> <p>21 Q. What kind of cancer?</p> <p>22 A. Cervical cancer.</p> <p>23 Q. Were you paid \$900 an hour for that</p> <p>24 matter?</p> <p>25 A. Yes. But I correct that, I'm not sure.</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. Did you conclude that the Pap smear</p> <p>2 was, in fact, normal?</p> <p>3 A. No, it wasn't normal. I concluded</p> <p>4 based on what I read on the Pap smear report.</p> <p>5 Q. So what was the substance of your</p> <p>6 expert opinion there?</p> <p>7 A. So the patient had an abnormal Pap</p> <p>8 smear that showed some precancerous changes on her</p> <p>9 Pap smear and HPV, human papillomavirus of high</p> <p>10 risk types. And the allegation is that the patient</p> <p>11 was never informed about that. There's evidence</p> <p>12 that the nurse practitioner who obtained the Pap</p> <p>13 smear tried to communicate with the patient by way</p> <p>14 of telephone and left a phone message and also</p> <p>15 tried to communicate by -- through their medical</p> <p>16 record which is Epic through MyChart, sent a</p> <p>17 message in MyChart to the patient, and the patient</p> <p>18 never responded to either one of those attempts at</p> <p>19 communication.</p> <p>20 MS. O'DELL: Dr. Clarke-Pearson, when</p> <p>21 you say "MyChart," do you mean your chart or</p> <p>22 what is that? That may be confusing.</p> <p>23 THE WITNESS: Sure. MyChart is a</p> <p>24 software piece in the Epic, the electronic</p> <p>25 medical record that communicates.</p>

<p style="text-align: right;">Page 30</p> <p>1 MS. DAVIDSON: I understood. MyChart, 2 capital M, capital C, Leigh. 3 THE WITNESS: Okay. 4 BY MS. DAVIDSON: 5 Q. Okay. Have you published any papers 6 related to talc since 2021? 7 A. No. 8 Q. Have you made any public statements 9 concerning talc and ovarian cancer since 2021? 10 A. No. 11 Q. Have you spoken in a public forum about 12 talc and ovarian cancer since 2021? 13 A. I lecture -- I don't lecture. I talk 14 to the medical students, it's a case-based 15 discussion every -- nearly every week as part of my 16 teaching responsibilities. And in the course of 17 those discussions, talcum powder is raised as part 18 of a discussion. 19 Q. Do you use slides for those 20 presentations? 21 A. No, I don't. It's a case-based 22 discussion. The students are given a case to 23 review and about a dozen to 15 questions for them 24 to answer, and then we have a Zoom gathering where 25 I ask them to answer the questions that I've posed.</p>	<p style="text-align: right;">Page 32</p> <p>1 the patient that I have hypothetically is I think 2 in her sixties. But there are many other risk 3 factors that are not part of that particular case, 4 but then I ask the students to expand on what other 5 risk factors could the patient possibly have. 6 Q. My question is do you state in the case 7 that the patient used talcum powder? 8 A. No. 9 Q. When did you start talking about talcum 10 powder as a risk factor to medical students? 11 A. I'm not sure I know when. I can't give 12 you a date. 13 Q. Was it before or after you were 14 retained in this litigation? 15 A. It was probably before I was retained 16 in this litigation. But as has been discussed in a 17 prior deposition, I became retained after I became 18 better educated about talcum powder by reviewing 19 literature at the time. 20 Q. You were -- sorry. 21 A. The literature that I was not aware of 22 to begin with. 23 Q. You were retained in this litigation in 24 2018; correct? 25 A. I believe so, yes.</p>
<p style="text-align: right;">Page 31</p> <p>1 So one of those questions is what are the risk 2 factors for ovarian cancer. And the student 3 oftentimes will -- I'm not sure what percentage, 4 sometimes they'll bring up talcum powder as one of 5 the risk factors that they've identified in their 6 research and preparing for my conference. 7 And other times they'll go to the point 8 of talking about tubal ligation being a -- and 9 hysterectomy being a risk-reducing procedure. And 10 we then -- or I will then say -- and inform them 11 about talcum powder being a risk factor as well. 12 Q. When you say there's a case, is it a 13 case of a real person? 14 A. No, it's a hypothetical case so I can 15 get the main points of what I want them to learn. 16 So it's a case I've made up. 17 Q. Does the hypothetical plaintiff -- has 18 the hypothetical plaintiff used talcum powder? 19 MS. O'DELL: Objection to form. 20 Patient, not plaintiff. 21 BY MS. DAVIDSON: 22 Q. Has the hypothetical -- 23 A. The hypothetical patient has ovarian 24 cancer. And some of those risk factors are 25 included based, you know, for example, the age of</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. Is it your testimony that you discussed 2 talcum powder as a risk factor for ovarian cancer 3 with medical students before 2018? 4 MS. O'DELL: Jessica, I just object to 5 this questioning. The purpose of this 6 deposition is to ask questions about what's 7 occurred since his last deposition, 8 August 2021. He was asked questions about 9 what he was telling students and others in 10 2018 -- before 2018 in his first deposition. 11 And so we just ask you to focus on activity 12 after August 2021. 13 BY MS. DAVIDSON: 14 Q. Dr. Clarke-Pearson, you can answer the 15 question. 16 A. I don't -- 17 MS. O'DELL: Would you repeat it or 18 have Jessica, please. I'm not sure I 19 remember it. Dr. Clarke-Pearson may not 20 either. 21 MS. DAVIDSON: Court reporter, can you 22 repeat my question. 23 (The reporter read the last question.) 24 THE WITNESS: I don't recall when I 25 started talking to medical students about</p>

<p style="text-align: right;">Page 34</p> <p>1 talcum powder per se. I'm sorry --</p> <p>2 MS. O'DELL: You guys, can we go off</p> <p>3 the record just for a moment? We need to</p> <p>4 check the power cord for Dr. Clarke-Pearson,</p> <p>5 so let's go off the record.</p> <p>6 (Recess taken from 9:37 a.m. until 9:38 a.m.)</p> <p>7 BY MS. DAVIDSON:</p> <p>8 Q. Dr. Clarke-Pearson, have you made any</p> <p>9 public statements about asbestos and ovarian cancer</p> <p>10 since August 2021?</p> <p>11 A. Not that I'm aware of.</p> <p>12 Q. Have you spoken in any public forum</p> <p>13 about asbestos and ovarian cancer since</p> <p>14 August 2021?</p> <p>15 A. No.</p> <p>16 Q. Do you recall giving a speech at Duke</p> <p>17 earlier this year entitled "Reflections on</p> <p>18 Gynecologic Oncology at Duke: Lessons Learned"?</p> <p>19 A. Yes.</p> <p>20 Q. Did you mention talc during this</p> <p>21 lecture?</p> <p>22 A. The lecture had nothing to do with</p> <p>23 ovarian cancer.</p> <p>24 Q. Is it your testimony that you didn't</p> <p>25 address ovarian cancer in that lecture?</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. Are you working on any articles or</p> <p>2 studies that pertain to asbestos or talcum powder?</p> <p>3 A. No.</p> <p>4 Q. Do you still see patients?</p> <p>5 A. No, I don't.</p> <p>6 Q. When did you stop seeing patients?</p> <p>7 A. Approximately March of 2020.</p> <p>8 Q. March 2020?</p> <p>9 A. Yes. I may have continued. I'm not</p> <p>10 sure the exact end date of the last time I</p> <p>11 interacted with a patient in the clinical setting.</p> <p>12 It may have been a few months later. We were doing</p> <p>13 Zoom virtual visits with patients after March of</p> <p>14 2020. I was still doing some of that, but I can't</p> <p>15 recall exactly when my last Zoom session was with a</p> <p>16 patient.</p> <p>17 Q. Do you still teach any classes?</p> <p>18 A. Yes. I teach medical students like</p> <p>19 I've talked about before. I also teach residents</p> <p>20 and fellows in gynecologic oncology and residents</p> <p>21 in obstetrics and gynecology at UNC.</p> <p>22 Q. As part of training residents, you</p> <p>23 don't see patients with them?</p> <p>24 A. I stopped doing clinical work when I</p> <p>25 was -- when the pandemic hit, and I had a medical</p>
<p style="text-align: right;">Page 35</p> <p>1 A. We may have talked about the research</p> <p>2 that was done at Duke over the 50 years that I was</p> <p>3 reviewing. I'm sure there was some discussion</p> <p>4 about notation of clinical trials that we</p> <p>5 participated in that we have looked at other</p> <p>6 treatments -- new treatments for ovarian cancer.</p> <p>7 I'm not aware I had any discussion about risk</p> <p>8 factors for ovarian cancer, including talcum</p> <p>9 powder.</p> <p>10 Q. Did you discuss the BRCA1 gene in that</p> <p>11 lecture?</p> <p>12 A. I may have. That was a discovery that</p> <p>13 some of my colleagues at Duke made. So that was a</p> <p>14 contribution to what Duke had contributed -- had</p> <p>15 made to the oncology.</p> <p>16 Q. Did you mention 12 genetic variants</p> <p>17 known to increase the risk of developing epithelial</p> <p>18 ovarian cancer in that lecture?</p> <p>19 A. I don't recall that, no.</p> <p>20 Q. Did you mention asbestos in that</p> <p>21 lecture?</p> <p>22 A. I don't believe I did.</p> <p>23 Q. Do you have any forthcoming speeches or</p> <p>24 presentations that relate to talcum powder?</p> <p>25 A. Not that I'm aware of.</p>	<p style="text-align: right;">Page 37</p> <p>1 condition, which we don't need to talk about, that</p> <p>2 put me at high risk to develop COVID, and I was --</p> <p>3 decided to stop doing clinical work. I was in my</p> <p>4 70s and felt like I had given it a good run in the</p> <p>5 time that I provided care to patients and decided</p> <p>6 it was time to stop the clinical work and</p> <p>7 interacting with patients.</p> <p>8 Q. So how do you train residents?</p> <p>9 A. I give lectures. I do case-based</p> <p>10 discussions. I mentor them. I've done some</p> <p>11 collaboration with some publications that they were</p> <p>12 working on. So that's sort of training them. Not</p> <p>13 teaching them how to do surgery anymore. Although,</p> <p>14 I do actually, now that you brought that up, on a</p> <p>15 consistent basis, approximately every six weeks, I</p> <p>16 work with two other faculty members face to face</p> <p>17 with the residents in a simulation lab to teach</p> <p>18 them how to do a hysterectomy.</p> <p>19 Q. In August 2021 when you said you still</p> <p>20 saw patients, was that erroneous?</p> <p>21 A. That would have been a mistake if</p> <p>22 that's what I said.</p> <p>23 Q. Do you -- when you speak to med</p> <p>24 students about talc being a risk factor for ovarian</p> <p>25 cancer, do you tell the med students that you are a</p>

<p style="text-align: right;">Page 38</p> <p>1 paid expert for plaintiffs in talc litigation?</p> <p>2 A. That doesn't usually come up, no.</p> <p>3 Q. Do you tell --</p> <p>4 A. Sometimes it does. Sometimes it does.</p> <p>5 Q. What do you mean by sometimes it does?</p> <p>6 A. Sometimes -- sorry. Sometimes I will</p> <p>7 happen to bring that up in part of the</p> <p>8 conversation.</p> <p>9 Q. Do you have a practice of always</p> <p>10 letting students know that you're an expert in talc</p> <p>11 litigation if the subject of talc comes up?</p> <p>12 A. No, I don't.</p> <p>13 Q. Do you tell residents that talc is a</p> <p>14 risk factor for ovarian cancer?</p> <p>15 A. I'm not sure I've had that discussion</p> <p>16 with the residents.</p> <p>17 Q. Is it still the case that you have</p> <p>18 never told a patient that their ovarian cancer was</p> <p>19 caused by talc use?</p> <p>20 A. I'm sorry, I didn't hear your question.</p> <p>21 Q. Is it still the case that you have</p> <p>22 never told a patient that their ovarian cancer was</p> <p>23 caused by talc use?</p> <p>24 MS. O'DELL: Object to form.</p> <p>25 THE WITNESS: Yes, I think I've said</p>	<p style="text-align: right;">Page 40</p> <p>1 ovarian cancer if she had not used talc?</p> <p>2 MS. O'DELL: Object to the form. It's</p> <p>3 a double negative.</p> <p>4 THE WITNESS: I know that if she used</p> <p>5 talcum powder, she would be at higher risk.</p> <p>6 And I would -- if she used talcum powder to</p> <p>7 be a cause -- as part of the cause for her</p> <p>8 ovarian cancer. If she didn't use talcum</p> <p>9 powder, she could still ovarian cancer, of</p> <p>10 course.</p> <p>11 BY MS. DAVIDSON:</p> <p>12 Q. You testified in August 2021 that you</p> <p>13 reached out to multiple people at ACOG to encourage</p> <p>14 them to issue a statement about talc use and</p> <p>15 ovarian cancer. Do you recall that?</p> <p>16 A. Yes, I do.</p> <p>17 Q. Have you reached out to ACOG since</p> <p>18 then?</p> <p>19 A. Yes, I have. I also reached out to the</p> <p>20 Society of Gynecologic Oncology leadership.</p> <p>21 Q. Let's mark as Exhibit 3 an October 15,</p> <p>22 2021, an e-mail from you to Maureen Phipps and</p> <p>23 Christopher Zahn. Who are Maureen Phipps and</p> <p>24 Christopher Zahn?</p> <p>25 MS. O'DELL: Just a moment.</p>
<p style="text-align: right;">Page 39</p> <p>1 that before. And I haven't seen patients</p> <p>2 since then, so I wouldn't have had that</p> <p>3 conversation.</p> <p>4 BY MS. DAVIDSON:</p> <p>5 Q. Is there a way to know today in 2024</p> <p>6 whether a woman who used talcum powder and</p> <p>7 developed ovarian cancer would not have developed</p> <p>8 ovarian cancer if she had not used talc?</p> <p>9 MS. O'DELL: You're coming in very</p> <p>10 faintly. Our speaker has not moved, but</p> <p>11 you're coming in very faintly. So would you</p> <p>12 mind repeating the question?</p> <p>13 MS. DAVIDSON: Court reporter, can you</p> <p>14 repeat the question just so we make sure</p> <p>15 it's worded exactly the same.</p> <p>16 (The reporter read the last question.)</p> <p>17 MS. O'DELL: Object to the form.</p> <p>18 THE WITNESS: I'm not sure, it seems</p> <p>19 like almost a double negative question</p> <p>20 you're asking me. Can you maybe restate it</p> <p>21 in some way?</p> <p>22 BY MS. DAVIDSON:</p> <p>23 Q. If a woman used talcum powder and</p> <p>24 developed ovarian cancer, is there a methodological</p> <p>25 way to know that she would not have developed that</p>	<p style="text-align: right;">Page 41</p> <p>1 THE WITNESS: Can I get the e-mails in</p> <p>2 front of me, please?</p> <p>3 (Exhibit 3 marked for identification.)</p> <p>4 BY MS. DAVIDSON:</p> <p>5 Q. Asher is going to put it up on the</p> <p>6 screen.</p> <p>7 Do you know without looking at the</p> <p>8 e-mail, though, who Maureen Phipps and Christopher</p> <p>9 Zahn are?</p> <p>10 A. Maureen Phipps is an</p> <p>11 obstetrician-gynecologist, who was at that point in</p> <p>12 time the CEO of the American College Obstetrics and</p> <p>13 Gynecology.</p> <p>14 Christopher Zahn, I'm not sure of his</p> <p>15 exact title, but he was, let's just say, the vice</p> <p>16 president for clinical affairs. I worked with him</p> <p>17 on several committees. Then I was active with ACOG</p> <p>18 leadership myself.</p> <p>19 Q. Do you recall an article that you sent</p> <p>20 them in October 15, 2021?</p> <p>21 A. I'm sorry, I'm looking at my e-mail</p> <p>22 here.</p> <p>23 Q. It's up on the screen.</p> <p>24 A. It's small. Let me look at this.</p> <p>25 MS. DAVIDSON: Here, Asher, you can</p>

<p style="text-align: right;">Page 42</p> <p>1 make it bigger. Asher, can you center it, 2 please. 3 MR. TRANGLE: It's centered on my 4 screen. Is it not? 5 MS. DAVIDSON: For me, the writing on 6 the right is cut off, maybe not for others. 7 THE WITNESS: I can see it. I would 8 have to go to the link to be sure what this 9 is. But I think it was indicating that the 10 FDA had found asbestos in Johnson & Johnson 11 Baby Powder. 12 BY MS. DAVIDSON: 13 Q. This is a link to an article from Yahoo 14 Finance; correct? 15 A. I see there's a Yahoo -- 16 Finance.Yahoo.com news. I'm not sure exactly what 17 it said. 18 MS. DAVIDSON: Asher, can we mark the 19 article as Exhibit 4. 20 (Exhibit 4 marked for identification.) 21 MS. O'DELL: Just for the record, 22 Jessica, was the e-mail that was displayed 23 on the screen, is that Exhibit 3? And is 24 that the only portion of Exhibit 3 is that 25 e-mail?</p>	<p style="text-align: right;">Page 44</p> <p>1 MS. DAVIDSON: Okay. 2 MS. O'DELL: Fair enough. 3 MS. DAVIDSON: Asher is also putting 4 every exhibit in the chat, Leigh. 5 MR. TRANGLE: I'll add that now. It's 6 just whatever you sent, Leigh, the whole 7 package of all the e-mails and that one PDF 8 that you guys sent over is the whole 9 exhibit. 10 MS. O'DELL: Thank you, Asher. That 11 was my question. 12 MS. DAVIDSON: Asher, can you put up 13 the Yahoo finance? 14 MR. TRANGLE: Yeah, can I put it up 15 now? I didn't know if we were ready. 16 MS. DAVIDSON: Yes, please. 17 MR. TRANGLE: Adding it now. 18 BY MS. DAVIDSON: 19 Q. Dr. Clarke-Pearson, you testified a 20 minute ago that you thought the article was about 21 the FDA. Is that what the article is about? 22 Can you read the -- can you read the 23 headline? 24 A. Certainly. It says, "J&J puts talc 25 liabilities into bankruptcy."</p>
<p style="text-align: right;">Page 43</p> <p>1 MS. DAVIDSON: I marked that as 2 Exhibit 3. We'll be going back to it. 3 MS. O'DELL: Okay. I just wanted to 4 make sure that was the only document 5 included in Exhibit 3. Do I understand that 6 correctly? 7 Do I understand that correctly? 8 Jessica, there was one page shown on 9 the screen -- 10 MS. DAVIDSON: When we go back to 11 Exhibit 3, I'll check. Asher will flip 12 through it. 13 Asher, I don't know if -- 14 MR. TRANGLE: It's all one PDF, the 15 production from you. 16 MS. DAVIDSON: We're going to go right 17 back to it, Leigh. I thought that 18 Dr. Clarke-Pearson would know what article 19 he had sent. Since he didn't know, we need 20 to pull up the article, and then we'll go 21 back. 22 MS. O'DELL: That's more than fine. We 23 just saw one page. And if it was a multiple 24 page exhibit, I just wanted to understand 25 that.</p>	<p style="text-align: right;">Page 45</p> <p>1 Q. Why would you have sent ACOG an article 2 about J&J putting talc liabilities into bankruptcy? 3 A. Because I wanted to make sure ACOG was 4 aware that J&J was putting it into bankruptcy, that 5 J&J's baby powder had been found to have asbestos 6 in it, and that ACOG should think about why J&J is 7 going into bankruptcy at this point in time. 8 Q. Would you consider this to be a 9 scientific article? 10 A. No, it's a news report. 11 Q. Was it your idea to send this specific 12 article -- 13 A. Yes. 14 Q. -- or is it the lawyers? 15 A. My idea. 16 Q. Did anyone tell you to send this 17 article to ACOG? 18 A. No. I'd been trying to communicate 19 with ACOG and SGO, as you know, previously on other 20 topics related to talc and ovarian cancer. This is 21 just one more attempt at communicating with them, 22 trying to get their attention. 23 Q. Did you consider sending ACOG a 24 scientific article about talc and ovarian cancer as 25 opposed to a news article about J&J's bankruptcy?</p>

<p style="text-align: right;">Page 46</p> <p>1 MS. O'DELL: Objection to form.</p> <p>2 THE WITNESS: I believe in the past I</p> <p>3 have sent them scientific articles.</p> <p>4 BY MS. DAVIDSON:</p> <p>5 Q. What scientific articles had you sent</p> <p>6 them in the past?</p> <p>7 A. I would have to go back to my e-mails</p> <p>8 to answer your question.</p> <p>9 As you might be aware, I -- if it's all</p> <p>10 part of the same exhibit, my communication on</p> <p>11 February 14 to ACOG and SGO has a link to</p> <p>12 demonstrate 31 to 65 percent increased risk of</p> <p>13 ovarian cancer in women with baby powder used twice</p> <p>14 a week. That link is a scientific article.</p> <p>15 Q. Who wrote that article?</p> <p>16 A. I would have to pull that up to see the</p> <p>17 link.</p> <p>18 Q. Do you know if that article was written</p> <p>19 by a paid plaintiffs' expert?</p> <p>20 A. I don't know. You'll have to tell me</p> <p>21 who the article was written by.</p> <p>22 Q. Do you know if you told ACOG whether</p> <p>23 the article was written by a paid plaintiffs'</p> <p>24 expert?</p> <p>25 A. Most articles usually have a disclosure</p>	<p style="text-align: right;">Page 48</p> <p>1 that?</p> <p>2 MS. O'DELL: So just for a moment, just</p> <p>3 stop you for a moment there, Jessica. I</p> <p>4 think Asher indicated he was going to put</p> <p>5 the article in the chat. He's not done that</p> <p>6 yet.</p> <p>7 So, Asher, if you don't mind doing</p> <p>8 that, the Exhibit 4 in the chat. Let's see,</p> <p>9 I don't have it in mine. So I have only the</p> <p>10 chart that was previously marked regarding</p> <p>11 Dr. Clarke-Pearson's invoices. So if you</p> <p>12 wouldn't mind maybe putting it up again</p> <p>13 because that's all I'm seeing at the moment.</p> <p>14 MS. DAVIDSON: Asher --</p> <p>15 MS. O'DELL: It just appeared. And so</p> <p>16 if you've got a question about what was said</p> <p>17 in the article, then Dr. Clarke-Pearson can</p> <p>18 pull it up in the chat and look at the</p> <p>19 article and be able to review it.</p> <p>20 So, Dr. Pearson, if you need assistance</p> <p>21 opening the article in the chat, we're happy</p> <p>22 to do that.</p> <p>23 MS. DAVIDSON: Asher --</p> <p>24 MR. TRANGLE: Yeah.</p> <p>25 MS. DAVIDSON: Can you put it back on</p>
<p style="text-align: right;">Page 47</p> <p>1 on them, explains who -- any financial or conflict</p> <p>2 of interest.</p> <p>3 Q. My question is did you tell ACOG that</p> <p>4 the author of the paper was a plaintiffs' expert?</p> <p>5 MS. O'DELL: Object to the form.</p> <p>6 THE WITNESS: What I told ACOG is on</p> <p>7 the e-mail. I told them nothing more.</p> <p>8 BY MS. DAVIDSON:</p> <p>9 Q. In other words, you did not tell ACOG</p> <p>10 that the article was by a plaintiffs' lawyer;</p> <p>11 correct?</p> <p>12 MS. O'DELL: Object to the form.</p> <p>13 THE WITNESS: I didn't specifically say</p> <p>14 that in this -- in this e-mail, no.</p> <p>15 BY MS. DAVIDSON:</p> <p>16 Q. Is it your testimony that this article</p> <p>17 from Reuters references an FDA finding of asbestos?</p> <p>18 MS. O'DELL: Are you talking about</p> <p>19 Exhibit 4?</p> <p>20 MS. DAVIDSON: I am. I believe you</p> <p>21 said a minute ago that you sent this to ACOG</p> <p>22 because you wanted them to know about the</p> <p>23 FDA finding of asbestos in one lot of</p> <p>24 Johnson's baby powder. So is it your</p> <p>25 recollection that this article references</p>	<p style="text-align: right;">Page 49</p> <p>1 the screen.</p> <p>2 And, Leigh, I'd really appreciate it if</p> <p>3 you didn't testify or coach the witness.</p> <p>4 MS. O'DELL: I am not.</p> <p>5 MR. TRANGLE: I'll put it back.</p> <p>6 MS. O'DELL: I am not. But if an</p> <p>7 article has been marked and there's been</p> <p>8 questions about what's in the substance of</p> <p>9 the article, he's entitled to review it, not</p> <p>10 just what's on the screen.</p> <p>11 So if you -- Dr. Clarke-Pearson, you</p> <p>12 can open the chat and -- at the bottom. And</p> <p>13 once you open the chat, then you'll be able</p> <p>14 to open that article and then review it if</p> <p>15 you need to and then you're welcome to</p> <p>16 respond to Ms. Davidson's questions.</p> <p>17 MS. DAVIDSON: Thank you for that</p> <p>18 colloquy, Leigh.</p> <p>19 THE WITNESS: All right. Okay.</p> <p>20 BY MS. DAVIDSON:</p> <p>21 Q. Dr. Clarke-Pearson, given Leigh's</p> <p>22 lecture, you may have forgotten the question. The</p> <p>23 question was you testified earlier that you sent</p> <p>24 this article to ACOG because you wanted ACOG to</p> <p>25 know that the FDA had found asbestos in talc. And</p>

<p style="text-align: right;">Page 50</p> <p>1 I'm wondering is it your testimony that this 2 article references that?</p> <p>3 A. Actually, I think I answered your 4 question once I saw what the article was. So I was 5 mistaken. This article talks about talc, the J&J 6 putting talc liabilities into bankruptcy.</p> <p>7 Q. And it doesn't mention FDA's finding -- 8 purported finding of talc in one lot of --</p> <p>9 MS. O'DELL: Object.</p> <p>10 THE WITNESS: I would -- I would have 11 to --</p> <p>12 BY MS. DAVIDSON:</p> <p>13 Q. I'm in the middle of my question, 14 Dr. Clarke-Pearson. I request that you don't 15 interrupt me and let me finish my question.</p> <p>16 To your knowledge, having reviewed now 17 this article, which I believe is in front of you, 18 there is no reference to any FDA purported finding 19 of talc in any Johnson's Baby Powder; correct?</p> <p>20 MS. O'DELL: Object to the form.</p> <p>21 THE WITNESS: I haven't really reviewed 22 this. I asked that the link be opened up so 23 I could see what the article -- publication 24 was. Now that I've got the publication in 25 front of me, I can read it for you. So I</p>	<p style="text-align: right;">Page 52</p> <p>1 THE WITNESS: If you would like me to 2 reread this article from Reuters and be sure 3 of what I'm saying, then we can take the 4 time to read it. Otherwise, I think what I 5 was trying to do was to alert ACOG to this 6 article and let them read it and be aware of 7 what J&J was doing.</p> <p>8 BY MS. DAVIDSON:</p> <p>9 Q. Do medical associations typically make 10 scientific decisions based on whether a company has 11 put its -- a subsidiary into bankruptcy?</p> <p>12 A. I think medical organizations make 13 decisions based on lots of things that are not 14 specifically scientific, public opinion, 15 legislation, other information that organizations 16 are able to acquire. ACOG being concerned about 17 women's health. SGO being concerned about women 18 with ovarian cancer and preventing ovarian cancer. 19 I would use some of this information as part of 20 their decision-making.</p> <p>21 Q. Is it your opinion that the fact that 22 lawsuits have been filed against a company 23 supports -- should support public health decisions?</p> <p>24 MS. O'DELL: Object to the form.</p> <p>25 THE WITNESS: Can I try to rephrase</p>
<p style="text-align: right;">Page 51</p> <p>1 was misspoken if, in fact, this doesn't say 2 that FDA found talc. I would have to reread 3 this article. It's been a while.</p> <p>4 What I was referencing earlier in this 5 brief conversation was another link you were 6 asking if I had sent scientific articles to 7 ACOG, and I was referencing a e-mail that I 8 sent on February 14, 2022. This is a link 9 to a scientific publication.</p> <p>10 BY MS. DAVIDSON:</p> <p>11 Q. And that scientific publication was 12 co-authored by a plaintiffs' expert; correct?</p> <p>13 A. You'll have to tell me which expert 14 you're talking about.</p> <p>15 Q. Do you know whether that article was 16 co-authored by a plaintiffs' expert?</p> <p>17 A. I need to pull that article up and look 18 at all the authors to be able to answer your 19 question.</p> <p>20 Q. Okay. We're going to talk about that 21 article later. So just to be clear, are you -- are 22 you correcting your earlier testimony that you 23 shared this with ACOG in order to share information 24 about the FDA?</p> <p>25 MS. O'DELL: Object to the form.</p>	<p style="text-align: right;">Page 53</p> <p>1 what you're asking me?</p> <p>2 Are you saying that medical 3 organizations would make decisions based on 4 the fact that the lawsuit was filed?</p> <p>5 BY MS. DAVIDSON:</p> <p>6 Q. Or in this case based on the fact 7 according to this article that tens of thousands of 8 lawsuits were filed; correct?</p> <p>9 MS. O'DELL: Object to the form.</p> <p>10 THE WITNESS: If that's what it says in 11 this article, you know, tens of thousands. 12 So would a medical organization make a 13 decision based on that only? No, of course 14 not.</p> <p>15 But it's just a piece of information 16 that they can use as they consider, go 17 through a full evaluation of the issue.</p> <p>18 BY MS. DAVIDSON:</p> <p>19 Q. Are you an expert on bankruptcy?</p> <p>20 A. No, I'm not.</p> <p>21 Q. Did anyone at ACOG respond to this 22 e-mail?</p> <p>23 A. I believe we sent you an e-mail 24 response.</p> <p>25 MS. DAVIDSON: Asher, do you want to go</p>

<p style="text-align: right;">Page 54</p> <p>1 back to Exhibit 3 and put up ACOG's</p> <p>2 response.</p> <p>3 MR. TRANGLE: I don't think I saw a</p> <p>4 response for this one.</p> <p>5 BY MS. DAVIDSON:</p> <p>6 Q. Dr. Clarke-Pearson, did ACOG send a</p> <p>7 response that you did not provide to us in</p> <p>8 discovery?</p> <p>9 A. I'm looking at the e-mails that I have</p> <p>10 in front of me, which you have the same e-mails. I</p> <p>11 don't -- I don't recall. I could not find a e-mail</p> <p>12 response from ACOG on that topic -- on this</p> <p>13 particular e-mail.</p> <p>14 Q. There's a redacted e-mail at the top of</p> <p>15 this e-mail. Is that simply you forwarding this</p> <p>16 e-mail to counsel?</p> <p>17 MS. O'DELL: I would represent that</p> <p>18 that is the case, that's a communication</p> <p>19 with counsel, and that's the reason it was</p> <p>20 redacted.</p> <p>21 BY MS. DAVIDSON:</p> <p>22 Q. So sitting here today, do you know</p> <p>23 whether ACOG responded to this e-mail or not?</p> <p>24 A. I don't have any evidence that ACOG</p> <p>25 responded.</p>	<p style="text-align: right;">Page 56</p> <p>1 THE WITNESS: The Reuters article is</p> <p>2 not a scientific article. I think I said</p> <p>3 that.</p> <p>4 BY MS. DAVIDSON:</p> <p>5 Q. Is it your opinion that the Reuters</p> <p>6 article is more relevant to ACOG's analysis of the</p> <p>7 talc issue than the published O'Brien papers?</p> <p>8 MS. DAVIDSON: Object to the form.</p> <p>9 THE WITNESS: They are two different</p> <p>10 issues.</p> <p>11 BY MS. DAVIDSON:</p> <p>12 Q. What do you mean by that?</p> <p>13 MS. O'DELL: I'm sorry, I didn't hear</p> <p>14 that. Please restate the question.</p> <p>15 BY MS. DAVIDSON:</p> <p>16 Q. I just asked him to explain what he</p> <p>17 means by that.</p> <p>18 MS. O'DELL: You're coming in very</p> <p>19 faintly.</p> <p>20 THE WITNESS: Very faint.</p> <p>21 MS. O'DELL: Jessica, I think it may be</p> <p>22 either -- if you don't mind getting closer</p> <p>23 to your microphone.</p> <p>24 MS. DAVIDSON: I am so close. I'm like</p> <p>25 3 inches away from my microphone.</p>
<p style="text-align: right;">Page 55</p> <p>1 Q. Are you familiar with two papers that</p> <p>2 were published by a woman named O'Brien?</p> <p>3 A. Yes. You want to be specific about</p> <p>4 which two papers?</p> <p>5 Q. Are you aware of two papers published</p> <p>6 by a woman named O'Brien with respect to ovarian</p> <p>7 cancer?</p> <p>8 MS. O'DELL: Object to the form.</p> <p>9 THE WITNESS: These two papers that</p> <p>10 she's been a co-author on.</p> <p>11 BY MS. DAVIDSON:</p> <p>12 Q. Have you sent any of the O'Brien papers</p> <p>13 to either ACOG or SGO?</p> <p>14 A. Not that I'm aware of.</p> <p>15 Q. Why not?</p> <p>16 A. Because if I started sending every</p> <p>17 paper that came out, I would be sending papers all</p> <p>18 the time. So I have not sent those two or any</p> <p>19 others that have come out.</p> <p>20 Q. Is it your opinion that the Yahoo</p> <p>21 Finance article about J&J's bankruptcy has more</p> <p>22 scientific value than the O'Brien publications</p> <p>23 about talc and ovarian cancer?</p> <p>24 MS. O'DELL: Object to the form.</p> <p>25 Misstates his testimony.</p>	<p style="text-align: right;">Page 57</p> <p>1 MS. O'DELL: Yeah. Thank you for that,</p> <p>2 but --</p> <p>3 MS. DAVIDSON: Can't get closer.</p> <p>4 MS. O'DELL: We can hear Christine</p> <p>5 fine. So I think it's something on your</p> <p>6 setup because Christine comes in loud and</p> <p>7 clear when she's spoken. So if you don't</p> <p>8 remind repeating that, that would be</p> <p>9 helpful.</p> <p>10 BY MS. DAVIDSON:</p> <p>11 Q. I just asked Dr. Clarke-Pearson what he</p> <p>12 meant by what he said.</p> <p>13 A. Now I've lost track of what we were</p> <p>14 talking about. We were talking about Reuters</p> <p>15 article.</p> <p>16 Q. I was asking you whether you believe</p> <p>17 that the Reuters article is more relevant to ACOG's</p> <p>18 assessment of the talc and ovarian cancer issue</p> <p>19 than the O'Brien publications?</p> <p>20 MS. O'DELL: Object to the form.</p> <p>21 THE WITNESS: So my answer is it's a</p> <p>22 piece of information that I would say it's</p> <p>23 more relevant than the whole picture of</p> <p>24 talcum powder causing ovarian cancer. It</p> <p>25 was a point in time that I felt was</p>

<p style="text-align: right;">Page 58</p> <p>1 important to point out to ACOG.</p> <p>2 BY MS. DAVIDSON:</p> <p>3 Q. And you did not feel it was important</p> <p>4 to share the O'Brien papers with ACOG; is that</p> <p>5 correct?</p> <p>6 MS. O'DELL: Object to the form.</p> <p>7 THE WITNESS: There's a lot of papers</p> <p>8 that I could have shared with ACOG above and</p> <p>9 beyond the O'Brien paper. I chose not to</p> <p>10 continue to deluge them with publications</p> <p>11 coming out showing talcum powder causing</p> <p>12 ovarian cancer.</p> <p>13 BY MS. DAVIDSON:</p> <p>14 Q. Is that what the O'Brien papers show?</p> <p>15 A. I'd have to look at the O'Brien paper</p> <p>16 to answer your question.</p> <p>17 Q. And when you sent this on October 15,</p> <p>18 2021, was that before or after O'Brien published</p> <p>19 any of her papers with respect to talc and ovarian</p> <p>20 cancer?</p> <p>21 A. Again, I don't know without seeing the</p> <p>22 papers and dates of publication.</p> <p>23 Q. All right. Let's move to the</p> <p>24 Valentine's Day e-mail to ACOG, February 14, 2022.</p> <p>25 Were any of the O'Brien papers about talc and</p>	<p style="text-align: right;">Page 60</p> <p>1 this link, which is the Woolen article, with ACOG</p> <p>2 and not the O'Brien papers?</p> <p>3 MS. O'DELL: Object to the form.</p> <p>4 THE WITNESS: I think this paper -- I</p> <p>5 mean, it's a powerful paper. It says that</p> <p>6 frequent use greater than two times a week</p> <p>7 based on their analysis increases the risk</p> <p>8 of ovarian cancer significantly.</p> <p>9 BY MS. DAVIDSON:</p> <p>10 Q. Are you aware that the link to this,</p> <p>11 which is the Woolen paper, let's mark that as</p> <p>12 Exhibit 5, Asher.</p> <p>13 MS. O'DELL: If you want to get the</p> <p>14 Woolen paper, you can read that. We have</p> <p>15 it.</p> <p>16 (Exhibit 5 marked for identification.)</p> <p>17 BY MS. DAVIDSON:</p> <p>18 Q. Are you aware that the Woolen</p> <p>19 meta-analysis that you sent to ACOG was based on a</p> <p>20 meta-analysis that was prepared for this</p> <p>21 litigation?</p> <p>22 MS. O'DELL: I object to the form.</p> <p>23 THE WITNESS: I was not aware it has</p> <p>24 anything to do with the litigation.</p> <p>25 BY MS. DAVIDSON:</p>
<p style="text-align: right;">Page 59</p> <p>1 ovarian cancer published before February 14, 2022?</p> <p>2 MS. O'DELL: Object to the form, vague.</p> <p>3 Dr. O'Brien has published a number of</p> <p>4 papers. And so the questions aren't clear.</p> <p>5 MS. DAVIDSON: Leigh --</p> <p>6 MS. O'DELL: Let me just finish. I</p> <p>7 would say further Dr. Clarke-Pearson was</p> <p>8 examined about the O'Brien paper extensively</p> <p>9 in his August 2021 deposition. And as you</p> <p>10 know, Jessica, this is a deposition to</p> <p>11 update his testimony on any new materials</p> <p>12 since August 2021.</p> <p>13 BY MS. DAVIDSON:</p> <p>14 Q. Dr. Clarke-Pearson, when you sent these</p> <p>15 papers -- this paper, this link to ACOG in</p> <p>16 February 14, 2022, was that before or after O'Brien</p> <p>17 had published papers relating to talc and ovarian</p> <p>18 cancer?</p> <p>19 A. I don't know the exact dates that</p> <p>20 O'Brien published in this specific paper you're</p> <p>21 referring to which she has co-authored and authored</p> <p>22 a number of papers. So some of those papers were</p> <p>23 before this Valentine's Day 2022 e-mail that I</p> <p>24 submitted.</p> <p>25 Q. Why did you decide to share this --</p>	<p style="text-align: right;">Page 61</p> <p>1 Q. Are you familiar with any of the names</p> <p>2 of the authors of this paper?</p> <p>3 A. Well, Smith-Bindman, I know has been an</p> <p>4 expert for the plaintiff. I do not know her. The</p> <p>5 other two authors, I don't know at all.</p> <p>6 Q. Is there a convention in published</p> <p>7 papers have the most senior person's name last?</p> <p>8 A. I'm sorry. Senior person's name last?</p> <p>9 Q. Uh-huh.</p> <p>10 A. It's a convention that is usually used,</p> <p>11 but I think that's an agreement amongst all the</p> <p>12 authors. There's only three authors in this paper.</p> <p>13 Q. Let's mark O'Brien 2020 as Exhibit 6.</p> <p>14 (Exhibit 6 marked for identification.)</p> <p>15 BY MS. DAVIDSON:</p> <p>16 Q. This is a pooled analysis, correct,</p> <p>17 Dr. Clarke-Pearson?</p> <p>18 A. Let me take a moment to pull it up.</p> <p>19 Q. It's on the screen. And if you look</p> <p>20 at --</p> <p>21 A. Well, first of all, it's so small I</p> <p>22 can't read it and.</p> <p>23 Q. There you go.</p> <p>24 MS. O'DELL: Plus he's happy to respond</p> <p>25 to appropriate questions. But he was</p>

<p style="text-align: right;">Page 62</p> <p>1 examined at length on the O'Brien paper in</p> <p>2 his 2021 deposition. And this deposition is</p> <p>3 for purposes of you inquiring about</p> <p>4 materials disclosed that are new since</p> <p>5 August of 2021. And so I object to any</p> <p>6 examination that goes into the details of</p> <p>7 O'Brien.</p> <p>8 BY MS. DAVIDSON:</p> <p>9 Q. Dr. Clarke-Pearson, this was a pooled</p> <p>10 analysis; correct?</p> <p>11 If you look under design, it says,</p> <p>12 "data were pooled."</p> <p>13 MS. O'DELL: Feel free to review the</p> <p>14 paper until you're prepared to answer</p> <p>15 questions, Dr. Clarke-Pearson.</p> <p>16 THE WITNESS: I'm having a hard time</p> <p>17 finding it specifically.</p> <p>18 BY MS. DAVIDSON:</p> <p>19 Q. Can you please look at it on the screen</p> <p>20 so that we can move on because I have limited time</p> <p>21 here today?</p> <p>22 MS. O'DELL: Would you mind repeating</p> <p>23 your question please or ask Christine if you</p> <p>24 would read it back.</p> <p>25 BY MS. DAVIDSON:</p>	<p style="text-align: right;">Page 64</p> <p>1 position is aside from being a M.D., Ph.D.</p> <p>2 Q. And you didn't send this to ACOG;</p> <p>3 correct?</p> <p>4 A. I'm sorry, would you repeat that? I</p> <p>5 didn't hear you.</p> <p>6 Q. You did not send this article to ACOG;</p> <p>7 correct?</p> <p>8 A. No. That's correct.</p> <p>9 Q. Can we mark as Exhibit 7 Wentzensen,</p> <p>10 O'Brien 2021.</p> <p>11 (Exhibit 7 marked for identification.)</p> <p>12 MS. DAVIDSON: Please put it up on the</p> <p>13 screen, Asher, and send it in the chat.</p> <p>14 MS. O'DELL: The same objection to the</p> <p>15 Wentzensen, O'Brien article. That article</p> <p>16 was referenced and included on the materials</p> <p>17 list in Dr. Clarke-Pearson's July 2021</p> <p>18 report. He was examined on it during his</p> <p>19 August 2021 deposition at pages 15, pages</p> <p>20 21, 86, 278 through 286. That was on --</p> <p>21 MS. DAVIDSON: Hey, Leigh?</p> <p>22 MS. O'DELL: -- that was on his</p> <p>23 August 26th deposition and --</p> <p>24 MS. DAVIDSON: Instead of trying to</p> <p>25 derail this deposition, why don't you wait</p>
<p style="text-align: right;">Page 63</p> <p>1 Q. Dr. Clarke-Pearson, this is a pooled</p> <p>2 analysis of cohort studies; correct?</p> <p>3 A. I see that in the abstract, yes.</p> <p>4 Q. Thank you.</p> <p>5 A. Sorry.</p> <p>6 Q. If you look at the authors, are you</p> <p>7 familiar with any of these authors?</p> <p>8 A. Actually, Dr. Kaunitz, I believe if</p> <p>9 he's from Florida, I know him. We've done a little</p> <p>10 bit of work together on morcellation of uterine</p> <p>11 sarcoma and fibroids.</p> <p>12 O'Brien, I'm only familiar with because</p> <p>13 she has a number of publications. The other</p> <p>14 authors that I'm looking at on the screen, I'm not</p> <p>15 at all familiar with or don't know them.</p> <p>16 Q. Are any of them plaintiffs' experts to</p> <p>17 your knowledge in this litigation?</p> <p>18 A. Not that I know of.</p> <p>19 Q. Are any of them NIH scientists?</p> <p>20 A. I'm not sure what their affiliation is.</p> <p>21 Q. You're not familiar with</p> <p>22 Dr. Wentzensen?</p> <p>23 A. Sorry. Dr. who?</p> <p>24 Q. Wentzensen, the senior author.</p> <p>25 A. I'm not aware of what Dr. Wentzensen's</p>	<p style="text-align: right;">Page 65</p> <p>1 to hear my questions to determine whether</p> <p>2 they actually are repeating prior questions.</p> <p>3 MS. O'DELL: Let me finish.</p> <p>4 MS. DAVIDSON: Because you've now</p> <p>5 objected to every single question I've</p> <p>6 asked. It's very clear you're trying to</p> <p>7 drain the clock. It's extremely</p> <p>8 unprofessional behavior.</p> <p>9 So why don't you wait until my question</p> <p>10 and then decide if you want to object to it.</p> <p>11 Asher, are you putting it up on the</p> <p>12 screen?</p> <p>13 MR. TRANGLE: Yes.</p> <p>14 MS. O'DELL: Excuse me.</p> <p>15 MS. DAVIDSON: If you want to object,</p> <p>16 please object. Stop wasting hours and hours</p> <p>17 of this deposition.</p> <p>18 MS. O'DELL: I'm entitled to state</p> <p>19 the -- excuse me, let me finish. I'm</p> <p>20 entitled to state the basis -- excuse me.</p> <p>21 Please let me finish. And I've done that in</p> <p>22 a very professional and courteous way, but</p> <p>23 the purposes of these depositions are quite</p> <p>24 clear. And it's very clear that you want to</p> <p>25 retread ground that was previously covered.</p>

<p style="text-align: right;">Page 66</p> <p>1 And I'm entitled to note my objection for</p> <p>2 the record which I've done so.</p> <p>3 So if you have a high-level question</p> <p>4 about O'Brien and Wentzensen, ask it, and</p> <p>5 let's move on. But we are going to object</p> <p>6 and get the judge on the phone for any</p> <p>7 detailed retreading of old material. That's</p> <p>8 what I'm trying to convey to you.</p> <p>9 MS. DAVIDSON: I am going to have to</p> <p>10 reserve the right to go beyond seven hours</p> <p>11 because, Leigh, you are clearly</p> <p>12 filibustering and trying to fill as much of</p> <p>13 this record as possible with your</p> <p>14 objections.</p> <p>15 Asher, can you please --</p> <p>16 Stop interrupting me.</p> <p>17 MS. O'DELL: The amount of the time for</p> <p>18 the deposition today is four hours, and just</p> <p>19 be clear on that. That's what the order</p> <p>20 says. And that's what we'll be available</p> <p>21 for today.</p> <p>22 BY MS. DAVIDSON:</p> <p>23 Q. Dr. Clarke-Pearson, can you read to me</p> <p>24 Dr. Wentzensen and Dr. O'Brien's titles here?</p> <p>25 A. Titles on the -- so Wentzensen is from</p>	<p style="text-align: right;">Page 68</p> <p>1 MR. TRANGLE: 10/10/23.</p> <p>2 MS. DAVIDSON: The Court's order of</p> <p>3 10/10/2023 explicitly states that general</p> <p>4 causation expert supplemental depositions</p> <p>5 will be four hours. If the general</p> <p>6 causation expert also has specific opinions,</p> <p>7 it will be 7 hours or 14 hours. The order</p> <p>8 could not be clearer. This order was issued</p> <p>9 in October 2023, so it clearly contemplated</p> <p>10 supplemental reports.</p> <p>11 Dr. Clarke-Pearson has amended his case</p> <p>12 specific opinions. He has also added case</p> <p>13 specific materials to his materials</p> <p>14 considered. If you end the deposition after</p> <p>15 four hours, you are in violation of the</p> <p>16 order.</p> <p>17 MS. O'DELL: We disagree.</p> <p>18 MS. DAVIDSON: Also, additional</p> <p>19 opinions with respect to Godleski that</p> <p>20 wasn't in the original report. There are</p> <p>21 material updates related to</p> <p>22 Dr. Clarke-Pearson's case specific opinions.</p> <p>23 If this deposition ends after hour hours as</p> <p>24 opposed to 14, you are in violation of the</p> <p>25 Court's order. Let's continue with the</p>
<p style="text-align: right;">Page 67</p> <p>1 the Division of Cancer Epidemiology and Genetics,</p> <p>2 National Cancer Institute, National Institutes of</p> <p>3 Health.</p> <p>4 And O'Brien is epidemiology branch,</p> <p>5 National Institute of Environmental Health</p> <p>6 Sciences, Research Triangle Park.</p> <p>7 Q. Is either of them an expert in this</p> <p>8 litigation?</p> <p>9 A. Not that I'm aware of.</p> <p>10 Q. Did you send this document to ACOG or</p> <p>11 SGO?</p> <p>12 A. No.</p> <p>13 MS. DAVIDSON: Let's go off the record.</p> <p>14 (Recess taken from 10:20 a.m. until 10:35 a.m.)</p> <p>15 MS. O'DELL: So counsel for Johnson &</p> <p>16 Johnson seeks to extend this deposition</p> <p>17 beyond four hours. The plaintiffs' position</p> <p>18 is that this is a supplemental deposition</p> <p>19 only on materials that are new in</p> <p>20 Dr. Clarke-Pearson's report since August of</p> <p>21 2021. And we submit that the deposition</p> <p>22 should be limited to four hours, and we will</p> <p>23 stop the deposition at that time.</p> <p>24 MS. DAVIDSON: The Court's -- Asher,</p> <p>25 what's the date of the Court's order?</p>	<p style="text-align: right;">Page 69</p> <p>1 deposition.</p> <p>2 MS. O'DELL: We disagree with that</p> <p>3 position. There are no new opinions about</p> <p>4 Dr. Godleski and others, but let's proceed.</p> <p>5 And that took two minutes.</p> <p>6 BY MS. DAVIDSON:</p> <p>7 Q. Dr. Clarke-Pearson, I'd like to mark</p> <p>8 your second amended report from 11/15/2023 as</p> <p>9 Exhibit 8.</p> <p>10 (Exhibit 8 marked for identification.)</p> <p>11 MS. DAVIDSON: If we could turn to</p> <p>12 page 6, Asher.</p> <p>13 MR. TRANGLE: Page 6?</p> <p>14 MS. DAVIDSON: Uh-huh.</p> <p>15 BY MS. DAVIDSON:</p> <p>16 Q. Dr. Clarke-Pearson, is it --</p> <p>17 MS. DAVIDSON: Asher, that's not on the</p> <p>18 screen. That's all the way to the right.</p> <p>19 MR. TRANGLE: Can you guys see it?</p> <p>20 MS. DAVIDSON: No.</p> <p>21 BY MS. DAVIDSON:</p> <p>22 Q. Is it your opinion, Dr. Clarke-Pearson,</p> <p>23 that Harper and Saed have demonstrated that</p> <p>24 exposure to Johnson's Baby Powder causes p53</p> <p>25 mutations, cell proliferation and malignant</p>

<p style="text-align: right;">Page 70</p> <p>1 transformation in normal ovarian epithelial cells?</p> <p>2 A. Yes. That's what they say in their</p> <p>3 paper.</p> <p>4 Q. I'm not asking you what they say in</p> <p>5 your paper. You say in your report that they have</p> <p>6 demonstrated this. Is it your opinion that they</p> <p>7 demonstrated these things?</p> <p>8 A. That is my opinion, yes.</p> <p>9 Q. Who is Dr. Saed?</p> <p>10 A. He's a translational research</p> <p>11 scientist, as best I understand, at Wayne State</p> <p>12 University in the cancer center there.</p> <p>13 Q. Is a plaintiffs' expert in this</p> <p>14 litigation?</p> <p>15 A. I believe so.</p> <p>16 Q. Had you ever heard of him prior to this</p> <p>17 litigation?</p> <p>18 A. He's written a review article and -- in</p> <p>19 the Gynecologic Oncology Journal I read pretty</p> <p>20 consistently. I'm not sure when he wrote that</p> <p>21 article. So I'm aware of him from research he's</p> <p>22 done outside of this litigation.</p> <p>23 Q. Have you ever cited Dr. Saed in any of</p> <p>24 your non-litigation work?</p> <p>25 MS. O'DELL: Object to the form.</p>	<p style="text-align: right;">Page 72</p> <p>1 the lead author?</p> <p>2 Q. Correct. The one that we just talked</p> <p>3 about where you --</p> <p>4 A. The technique that they used to --</p> <p>5 thank you, Margaret.</p> <p>6 The technique that they used to assess</p> <p>7 proliferation and identify malignant transformation</p> <p>8 is a commercial technique. And I'm aware that</p> <p>9 technique was considered to be used in assessing</p> <p>10 other chemicals and products as to their</p> <p>11 carcinogenicity, the chance it can cause cancer.</p> <p>12 And so it's a technique that's used in</p> <p>13 laboratories.</p> <p>14 Q. What technique is that that you're</p> <p>15 referring to?</p> <p>16 A. Well, let me turn to their paper to</p> <p>17 give you the name of it. I'm sorry, I'm skimming</p> <p>18 the materials section here to try to identify.</p> <p>19 Q. I believe you testified that the</p> <p>20 technique they used was one you're familiar with.</p> <p>21 What technique is that?</p> <p>22 A. No, I didn't say I was familiar with</p> <p>23 it. I said I had read about it enough to</p> <p>24 understand that it's used more than just in his</p> <p>25 laboratory to identify products, things that could</p>
<p style="text-align: right;">Page 71</p> <p>1 THE WITNESS: I'm sorry, cited him in</p> <p>2 what situation?</p> <p>3 BY MS. DAVIDSON:</p> <p>4 Q. Any non-litigation work.</p> <p>5 A. No. I don't think I've written</p> <p>6 anything that would require a citation about him or</p> <p>7 by him.</p> <p>8 Q. Had you heard of his lab before you</p> <p>9 were involved in this litigation?</p> <p>10 A. I'm not sure what you mean by heard of</p> <p>11 his lab. I was aware that he had written a review</p> <p>12 article and he is a scientist. I would assume that</p> <p>13 he has a lab.</p> <p>14 Q. Have you taken any steps to assess the</p> <p>15 reliability of his conclusions or findings in the</p> <p>16 paper that we've marked as Exhibit 8?</p> <p>17 MS. O'DELL: She's -- just object to</p> <p>18 the form. And Dr. Clarke-Pearson's report I</p> <p>19 believe is Exhibit 8. I'm not sure you've</p> <p>20 marked the paper.</p> <p>21 BY MS. DAVIDSON:</p> <p>22 Q. Have you taken any steps to assess the</p> <p>23 reliability of Dr. Saed's conclusions or findings</p> <p>24 in Harper 2023?</p> <p>25 A. You're referencing the Harper paper as</p>	<p style="text-align: right;">Page 73</p> <p>1 cause cancer.</p> <p>2 Q. Where else have you read about the</p> <p>3 technique used by Dr. Saed?</p> <p>4 MS. O'DELL: He's trying to review the</p> <p>5 paper and answer your question, Jessica, if</p> <p>6 you'll just give him a moment.</p> <p>7 BY MS. DAVIDSON:</p> <p>8 Q. Dr. Clarke-Pearson, if you need to</p> <p>9 review the article, I'd like to go off the record.</p> <p>10 This was listed in your materials reviewed. If you</p> <p>11 want to read the article, I'd like to go off the</p> <p>12 record. Are you planning to read the article</p> <p>13 before answering?</p> <p>14 A. I'm just trying to specifically find</p> <p>15 this technique that they describe in their</p> <p>16 materials. So I've seen the -- I'm sorry, I don't</p> <p>17 have the name. But the technique is described in</p> <p>18 the company that manufactures its website.</p> <p>19 Q. Dr. Clarke-Pearson, what are you doing</p> <p>20 now?</p> <p>21 A. I'm looking for the rest of this paper</p> <p>22 so I can see if I can help us understand what the</p> <p>23 name of the methodology is that he's using.</p> <p>24 Q. All right. Well, I don't have all day</p> <p>25 here.</p>

<p style="text-align: right;">Page 74</p> <p>1 A. I understand.</p> <p>2 Q. Although, I am entitled to 14 hours,</p> <p>3 your counsel intends to cut this deposition off</p> <p>4 prematurely. So if you don't know what technique</p> <p>5 he used, let's move on.</p> <p>6 A. Okay.</p> <p>7 Q. Do you know where else you've read</p> <p>8 about this technique?</p> <p>9 A. I've looked it up on the website of the</p> <p>10 company that makes -- manufactures this technique.</p> <p>11 Q. Have you ever heard of Minerva before?</p> <p>12 A. Anova?</p> <p>13 Q. Minerva.</p> <p>14 A. Minerva. The publication?</p> <p>15 Q. Uh-huh.</p> <p>16 A. It's a scientific peer-reviewed</p> <p>17 publication. I'm not sure I've heard of it per se.</p> <p>18 It's not something I would usually read.</p> <p>19 Q. When was the last time you read an</p> <p>20 article published in this journal?</p> <p>21 A. Probably I've never read an article</p> <p>22 published in this journal.</p> <p>23 Q. Have you ever submitted an article to</p> <p>24 this journal?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 76</p> <p>1 Harper and Saed demonstrated that Johnson's Baby</p> <p>2 Powder causes p53 mutations?</p> <p>3 A. Based on what they say in their paper.</p> <p>4 Q. Did you independently evaluate whether</p> <p>5 that is an accurate statement?</p> <p>6 A. I did not do any independent</p> <p>7 investigation on that topic, no.</p> <p>8 Q. Did you do any independent</p> <p>9 investigation on the validity of Harper and Saed's</p> <p>10 claim that they have shown that exposure to</p> <p>11 Johnson's Baby Powder causes p53 mutations, cell</p> <p>12 proliferation, or malignant transformation?</p> <p>13 MS. O'DELL: Object to form.</p> <p>14 THE WITNESS: I didn't do any separate</p> <p>15 investigation, though I read the paper.</p> <p>16 BY MS. DAVIDSON:</p> <p>17 Q. Did you discuss the paper with anyone</p> <p>18 in the field before making the statement?</p> <p>19 A. No.</p> <p>20 MS. O'DELL: Object to the form.</p> <p>21 THE WITNESS: No, I didn't.</p> <p>22 BY MS. DAVIDSON:</p> <p>23 Q. I take it from your statements earlier</p> <p>24 today about the materials you reviewed in</p> <p>25 preparation for your deposition that you're aware</p>
<p style="text-align: right;">Page 75</p> <p>1 Q. Are you aware of any groundbreaking</p> <p>2 scientific developments ever being published in</p> <p>3 this journal?</p> <p>4 MS. O'DELL: Object to the form.</p> <p>5 THE WITNESS: I don't have an opinion</p> <p>6 on that.</p> <p>7 BY MS. DAVIDSON:</p> <p>8 Q. Do you know of any groundbreaking</p> <p>9 scientific developments that were ever published in</p> <p>10 Minerva?</p> <p>11 MS. O'DELL: Object to the form. Asked</p> <p>12 and answered.</p> <p>13 THE WITNESS: Again, I don't have an</p> <p>14 opinion.</p> <p>15 BY MS. DAVIDSON:</p> <p>16 Q. I don't know what that means. Is that</p> <p>17 a yes or no?</p> <p>18 A. It means I don't know.</p> <p>19 Q. Have you ever cited a piece from</p> <p>20 Minerva in your professional work?</p> <p>21 MS. DAVIDSON: Objection. Asked and</p> <p>22 answered.</p> <p>23 THE WITNESS: Not that I'm aware of.</p> <p>24 BY MS. DAVIDSON:</p> <p>25 Q. What's your basis for saying that</p>	<p style="text-align: right;">Page 77</p> <p>1 that this paper was rejected by numerous journals;</p> <p>2 is that correct?</p> <p>3 MS. O'DELL: I'm sorry. You cut out</p> <p>4 there for a minute. They were rejected by</p> <p>5 whom?</p> <p>6 BY MS. DAVIDSON:</p> <p>7 Q. By several publications; is that</p> <p>8 correct?</p> <p>9 MS. O'DELL: Object to the form.</p> <p>10 THE WITNESS: I've seen a reviewers or</p> <p>11 maybe more than reviewers list of comments</p> <p>12 about a paper. I'm not sure it's</p> <p>13 specifically this paper.</p> <p>14 BY MS. DAVIDSON:</p> <p>15 Q. Do you know which publications rejected</p> <p>16 this paper?</p> <p>17 A. Let me go to the -- what I was given.</p> <p>18 Looks like the start of this says Plus One.</p> <p>19 Several reviewers and comments. Minor comments.</p> <p>20 What I have looks like it's all reviewed from Plus</p> <p>21 One.</p> <p>22 Q. Do you know whether Reproductive</p> <p>23 Sciences rejected this paper?</p> <p>24 A. Not aware of that.</p> <p>25 Q. Do you know whether this paper was</p>

<p style="text-align: right;">Page 78</p> <p>1 submitted to Gynecologic Oncology?</p> <p>2 A. I do not know.</p> <p>3 Q. Do you know whether Gynecologic</p> <p>4 Oncology rejected this paper?</p> <p>5 A. I don't know.</p> <p>6 Q. What is Gynecologic Oncology?</p> <p>7 A. It's a peer-reviewed publication that</p> <p>8 deals with gynecologic oncology topics both</p> <p>9 clinical and translational research.</p> <p>10 Q. Have you --</p> <p>11 A. It's --</p> <p>12 MS. O'DELL: I don't believe he was</p> <p>13 finished.</p> <p>14 THE WITNESS: It's a publication of the</p> <p>15 Society of Gynecologic Oncologists.</p> <p>16 BY MS. DAVIDSON:</p> <p>17 Q. Have you published papers there before?</p> <p>18 A. Yes.</p> <p>19 Q. Have you been on the editorial board?</p> <p>20 A. Yes.</p> <p>21 Q. Have you been a peer reviewer?</p> <p>22 A. Yes.</p> <p>23 Q. Have you been a peer reviewer for</p> <p>24 multiple journals?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 80</p> <p>1 peer reviewers and select peer reviewers that are</p> <p>2 most appropriate to review that particular paper.</p> <p>3 So a paper I might submit on clinical issues would</p> <p>4 not be reviewed by a basic scientist.</p> <p>5 Likewise, a clinician like myself would</p> <p>6 not necessarily be asked to review a translational</p> <p>7 research paper. So the editor tries to match the</p> <p>8 reviewer with the content and -- of that paper.</p> <p>9 Q. So for a paper like Dr. Saed's, what</p> <p>10 sort of peer reviewers would Gynecologic Oncology</p> <p>11 look for?</p> <p>12 A. I would think they would pick peer</p> <p>13 reviewers that are doing research -- laboratory</p> <p>14 research.</p> <p>15 Q. Okay. Dr. Clarke-Pearson, do you know</p> <p>16 whether it's biologically possible to show</p> <p>17 malignant cell transformation in 72 hours?</p> <p>18 A. That is what this paper says and that</p> <p>19 is what the manufacturer of the technique that they</p> <p>20 used says.</p> <p>21 Q. If Dr. Saed found malignant cell</p> <p>22 transformation after 72 hours of exposure to talc,</p> <p>23 would that be a revolutionary finding?</p> <p>24 MS. O'DELL: Object to the form.</p> <p>25 THE WITNESS: Not that I'm aware of.</p>
<p style="text-align: right;">Page 79</p> <p>1 Q. What does a peer reviewer do?</p> <p>2 A. A peer reviewer is asked to review the</p> <p>3 manuscript that's been submitted, evaluate it for</p> <p>4 its content, for lack of a better word, offer any</p> <p>5 criticism, any suggestions for improvement, and</p> <p>6 ultimately submit those comments which then usually</p> <p>7 go back to both the editor of the journal and --</p> <p>8 and the author of the manuscript.</p> <p>9 Q. At Gynecologic Oncology, have you ever</p> <p>10 been responsible for selecting peer reviewers?</p> <p>11 A. No, I have not.</p> <p>12 Q. Do you know how Gynecologic Oncology</p> <p>13 selects peer reviewers?</p> <p>14 A. Well, having been on the editorial</p> <p>15 board, I have some general idea that the peer</p> <p>16 reviewers -- there's a lengthy list of possible</p> <p>17 peer reviewers that have -- people that have agreed</p> <p>18 to participate as a peer reviewer. And then the</p> <p>19 editor, and I've never been an editor of GYN</p> <p>20 Oncology to pick out peer reviewers. I think I</p> <p>21 just answered that question to you -- for you. But</p> <p>22 the editor then goes through the panel of possible</p> <p>23 reviewers and picks out a few, usually two or</p> <p>24 three, to review the paper and submit and sends</p> <p>25 that to the reviewer. The editor would look at the</p>	<p style="text-align: right;">Page 81</p> <p>1 BY MS. DAVIDSON:</p> <p>2 Q. What do you mean by that?</p> <p>3 A. What do you mean by a revolutionary</p> <p>4 finding?</p> <p>5 Q. Would that be a huge scientific</p> <p>6 development for a scientist to find that exposure</p> <p>7 to talc can cause malignant cell transformation</p> <p>8 after 72 hours?</p> <p>9 MS. O'DELL: Object to the form.</p> <p>10 THE WITNESS: Based on what I</p> <p>11 understand about this technique, the</p> <p>12 technique is used to identify products that</p> <p>13 cause cancer. So if this transformation is</p> <p>14 considered malignant, then that's what this</p> <p>15 technique is showing.</p> <p>16 BY MS. DAVIDSON:</p> <p>17 Q. Can you identify any other situations</p> <p>18 where this technique has shown malignant</p> <p>19 transformation?</p> <p>20 A. I have not done a literature review on</p> <p>21 the use of this technique.</p> <p>22 Q. You previously testified that it would</p> <p>23 require 50 years of chronic inflammation or some</p> <p>24 period of decades to -- for ovarian cancer to --</p> <p>25 for talc exposure to cause ovarian cancer. Do you</p>

<p style="text-align: right;">Page 82</p> <p>1 recall testifying to that effect?</p> <p>2 MS. O'DELL: Object to the form.</p> <p>3 Jessica, is there specific testimony that</p> <p>4 you're referring to?</p> <p>5 Dr. Clarke-Pearson has testified over</p> <p>6 three days and a Daubert hearing. So I'm</p> <p>7 just asking what testimony you're referring</p> <p>8 to and if you can give us a page and line,</p> <p>9 we'd be happy to --</p> <p>10 MS. DAVIDSON: Leigh --</p> <p>11 MS. O'DELL: -- put that in front of</p> <p>12 him.</p> <p>13 MS. DAVIDSON: Leigh, I'm taking the</p> <p>14 deposition.</p> <p>15 MS. O'DELL: I understand that.</p> <p>16 MS. DAVIDSON: And your obstruction is</p> <p>17 really getting out of control.</p> <p>18 BY MS. DAVIDSON:</p> <p>19 Q. Dr. Clarke-Pearson, do you recall</p> <p>20 offering that testimony?</p> <p>21 MS. O'DELL: Let me just state my</p> <p>22 objection very briefly. That's not a</p> <p>23 quotation of Dr. Clarke-Pearson. If you</p> <p>24 would like to put in front of him specific</p> <p>25 testimony, I think that would be appropriate</p>	<p style="text-align: right;">Page 84</p> <p>1 transformation.</p> <p>2 BY MS. DAVIDSON:</p> <p>3 Q. But -- so are you just taking it on</p> <p>4 good faith and trust that Dr. Saed actually</p> <p>5 demonstrated malignant transformation?</p> <p>6 MS. O'DELL: Object to the form.</p> <p>7 THE WITNESS: I have investigated the</p> <p>8 technique they used is used in other</p> <p>9 situations to identify carcinogenicity of</p> <p>10 products like talcum powder.</p> <p>11 BY MS. DAVIDSON:</p> <p>12 Q. But sitting here today, you can't</p> <p>13 identify any other situations where this technique</p> <p>14 has shown carcinogenicity; correct?</p> <p>15 A. I would defer to the scientists that</p> <p>16 have done this kind of work.</p> <p>17 MS. O'DELL: Object.</p> <p>18 MS. DAVIDSON: Let's mark the</p> <p>19 peer-reviewed comments on Harper 2023 as</p> <p>20 Exhibit 9.</p> <p>21 (Exhibit 9 marked for identification.)</p> <p>22 MR. TRANGLE: Is there a page you want</p> <p>23 me to go to?</p> <p>24 MS. DAVIDSON: Let's go to the</p> <p>25 Gynecologic Oncology reviewers. If we could</p>
<p style="text-align: right;">Page 83</p> <p>1 before you ask that question.</p> <p>2 BY MS. DAVIDSON:</p> <p>3 Q. Dr. Clarke-Pearson, do you recall ever</p> <p>4 testifying that it would require chronic</p> <p>5 inflammation for a period of decades for exposure</p> <p>6 to talc to cause ovarian cancer?</p> <p>7 A. I think in general -- I'm not sure I</p> <p>8 testified -- but I believe that it does take time</p> <p>9 with chronic inflammation in the situation with</p> <p>10 talc to expose the ovary to talcum powder to result</p> <p>11 in transformation, the number of mutations that are</p> <p>12 required to result in clinical evidence of ovarian</p> <p>13 cancer.</p> <p>14 Q. Why would it take 50 years of chronic</p> <p>15 inflammation to get malignant transformation if</p> <p>16 Dr. Saed was able to demonstrate malignant</p> <p>17 transformation after 72 hours?</p> <p>18 MS. O'DELL: He said decades, not 50</p> <p>19 years. Misstates his testimony. Object to</p> <p>20 the form.</p> <p>21 You may answer, Doctor.</p> <p>22 THE WITNESS: I think I would defer to</p> <p>23 Dr. Saed and other scientists that are more</p> <p>24 familiar with this technique in terms of</p> <p>25 explaining how they achieve malignant</p>	<p style="text-align: right;">Page 85</p> <p>1 go to sentence that begins "As presented."</p> <p>2 MS. O'DELL: Give us a Bates Number for</p> <p>3 that particular page.</p> <p>4 MR. TRANGLE: This is page 69.</p> <p>5 MS. O'DELL: Okay. Thank you.</p> <p>6 MS. DAVIDSON: Can you center "as</p> <p>7 presented" on the screen, Asher?</p> <p>8 MR. TRANGLE: It's kind of hard.</p> <p>9 THE WITNESS: I don't think I have</p> <p>10 that.</p> <p>11 MS. O'DELL: So -- you may have a copy.</p> <p>12 BY MS. DAVIDSON:</p> <p>13 Q. Dr. Clarke-Pearson, could you read the</p> <p>14 first two sentences of the paragraph that begins</p> <p>15 "as presented" out loud?</p> <p>16 A. Certainly. What it says is, "As</p> <p>17 presented, the manuscript presents several major</p> <p>18 issues that warrant attention prior to publication.</p> <p>19 Of primary concern is reliance on a single</p> <p>20 commercial assay for assessment of transformation</p> <p>21 that has not been established in the literature."</p> <p>22 Q. Okay.</p> <p>23 A. Yeah.</p> <p>24 Q. I was just asking you to read two</p> <p>25 sentences.</p>

<p style="text-align: right;">Page 86</p> <p>1 Dr. Clarke-Pearson, this states that</p> <p>2 the technique used by Dr. Saed has not been</p> <p>3 established in the literature; correct?</p> <p>4 A. That's what it says, yes.</p> <p>5 Q. Do you disagree with that?</p> <p>6 A. I don't agree -- disagree with what it</p> <p>7 says, no.</p> <p>8 Q. Is it your testimony that the -- that</p> <p>9 this commercial assay for assessment of</p> <p>10 transformation has been established in the</p> <p>11 literature?</p> <p>12 MS. O'DELL: Objection. Form.</p> <p>13 THE WITNESS: I'm not aware of whether</p> <p>14 it has or hasn't been established. I</p> <p>15 haven't done that review.</p> <p>16 BY MS. DAVIDSON:</p> <p>17 Q. But you are offering the opinion that</p> <p>18 Dr. Saed has demonstrated malignant transformation;</p> <p>19 correct?</p> <p>20 A. Yes.</p> <p>21 Q. Does it give you pause that the</p> <p>22 commercial assay he used has not been established</p> <p>23 in the literature as a reliable means for</p> <p>24 assessment of transformation?</p> <p>25 MS. O'DELL: Object to the form.</p>	<p style="text-align: right;">Page 88</p> <p>1 wrote?</p> <p>2 MS. O'DELL: Object to the form.</p> <p>3 THE WITNESS: I have not done any work</p> <p>4 on that topic, no.</p> <p>5 BY MS. DAVIDSON:</p> <p>6 Q. The reviewer goes on to say that</p> <p>7 "appropriate statistical tests were not applied and</p> <p>8 thus the data are difficult to interpret."</p> <p>9 Do you see disagree with that</p> <p>10 statement?</p> <p>11 A. So let me back up from this. This is a</p> <p>12 review, I'm not sure when it was done. This paper</p> <p>13 was not published in GYN Oncology. So these are</p> <p>14 comments that were submitted to the authors. And,</p> <p>15 in general, it's been my experience as an author</p> <p>16 myself of 250 some odd peer-reviewed papers that</p> <p>17 the comments that I've received back from a</p> <p>18 reviewer after submitting a manuscript are those</p> <p>19 that I would evaluate and decide whether I want to</p> <p>20 add those edits to and corrections, if you will.</p> <p>21 In this case, though, what you're reading about</p> <p>22 statistics, Dr. Saed was basically -- it was</p> <p>23 suggested that he do something more with</p> <p>24 statistics.</p> <p>25 So this isn't a review of the paper</p>
<p style="text-align: right;">Page 87</p> <p>1 THE WITNESS: I am not aware of that.</p> <p>2 What I just read to you is a reviewer, who</p> <p>3 seems to be anonymous, offering the opinion</p> <p>4 about not being a review established in the</p> <p>5 literature that I read to you.</p> <p>6 BY MS. DAVIDSON:</p> <p>7 Q. In your experience, does Gynecologic</p> <p>8 Oncology have credentialed and capable peer</p> <p>9 reviewers?</p> <p>10 MS. O'DELL: Object to the form.</p> <p>11 THE WITNESS: I'm not sure what you</p> <p>12 mean by credentialed.</p> <p>13 BY MS. DAVIDSON:</p> <p>14 Q. What has been your experience about the</p> <p>15 caliber of reviewers for Gynecologic Oncology?</p> <p>16 MS. O'DELL: Object to the form. If</p> <p>17 you have any.</p> <p>18 THE WITNESS: I mean it depends upon</p> <p>19 what the reviewer is being asked to do and</p> <p>20 what their qualifications are. So I don't</p> <p>21 know who this reviewer is or what their</p> <p>22 qualifications are.</p> <p>23 BY MS. DAVIDSON:</p> <p>24 Q. Have you done any work that would</p> <p>25 enable you to disagree with what this reviewer</p>	<p style="text-align: right;">Page 89</p> <p>1 that is sitting in front of me that was published</p> <p>2 in Minerva. These are comments about a manuscript</p> <p>3 prior to publication that was probably edited. I</p> <p>4 would have to go through -- you and I would have to</p> <p>5 go through this manuscript and see whether he made</p> <p>6 those changes that are being suggested by this</p> <p>7 reviewer.</p> <p>8 But these comments are not necessarily</p> <p>9 comments that would apply to the current manuscript</p> <p>10 that was published in a peer-reviewed publication.</p> <p>11 Q. To your knowledge, did Dr. Saed make</p> <p>12 any changes to his statistical tests?</p> <p>13 A. I would have to look at this reviewer's</p> <p>14 comments and then go to Dr. Saed's -- actually</p> <p>15 Dr. Harper's paper and see whether those changes</p> <p>16 were made.</p> <p>17 Q. If Dr. Saed did not make changes to his</p> <p>18 statistical tests, would that concern you?</p> <p>19 MS. O'DELL: Objection.</p> <p>20 THE WITNESS: Yes. I would think that</p> <p>21 he would take to heart those suggestions.</p> <p>22 Now he may disagree with those suggestions</p> <p>23 and not make those changes. And he would</p> <p>24 have to offer up why he didn't make the</p> <p>25 changes. Maybe he is perfectly confident</p>

<p style="text-align: right;">Page 90</p> <p>1 and secure and certain that what he has done</p> <p>2 and that this reviewer could be wrong.</p> <p>3 BY MS. DAVIDSON:</p> <p>4 Q. The GYN Oncology reviewer also said the</p> <p>5 results of this study are overinterpreted.</p> <p>6 Do you have reason to disagree with the</p> <p>7 GYN Oncology reviewer that the results of this</p> <p>8 study are overinterpreted?</p> <p>9 MS. O'DELL: Directing us to where,</p> <p>10 please? I'm not seeing it on the screen. I</p> <p>11 may be overlooking it.</p> <p>12 MS. DAVIDSON: Asher, if you can put it</p> <p>13 up on the screen.</p> <p>14 BY MS. DAVIDSON:</p> <p>15 Q. Dr. Clarke-Pearson, can you respond to</p> <p>16 my statement: Do you disagree -- to my question.</p> <p>17 Do you disagree with the statement that</p> <p>18 the results of this study are overinterpreted?</p> <p>19 MS. O'DELL: Object to the form.</p> <p>20 THE WITNESS: I will take that you're</p> <p>21 reading this from somewhere that's on the</p> <p>22 screen. I don't see it. Is it</p> <p>23 overinterpreted? That's that reviewer's</p> <p>24 opinion.</p> <p>25 BY MS. DAVIDSON:</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. Dr. Clarke-Pearson, did the final paper</p> <p>2 state that the authors had found malignant</p> <p>3 transformation?</p> <p>4 A. Yes, it did.</p> <p>5 Q. Do you believe the statement that the</p> <p>6 authors had found malignant transformation is</p> <p>7 overinterpreted?</p> <p>8 MS. O'DELL: Object to the form.</p> <p>9 THE WITNESS: No, I don't believe it's</p> <p>10 overinterpreted.</p> <p>11 BY MS. DAVIDSON:</p> <p>12 Q. And what's your basis for that?</p> <p>13 A. That this is work that was done with an</p> <p>14 assay that, once again, is used to identify</p> <p>15 compounds that cause cancer, and that the</p> <p>16 transformation of these benign cells to malignant</p> <p>17 cells is established by this assay.</p> <p>18 Q. Has that ever been shown in</p> <p>19 peer-reviewed literature?</p> <p>20 MS. O'DELL: Objection, form. Asked</p> <p>21 and answered.</p> <p>22 THE WITNESS: I have not done any</p> <p>23 further research on that topic.</p> <p>24 BY MS. DAVIDSON:</p> <p>25 Q. So the only research you did was</p>
<p style="text-align: right;">Page 91</p> <p>1 Q. I'm asking your opinion, right? Do you</p> <p>2 disagree with that comment?</p> <p>3 A. This comment is being made about a</p> <p>4 manuscript that was not published. What we have,</p> <p>5 the published manuscript is probably different than</p> <p>6 what this reviewer is commenting on.</p> <p>7 Q. Do you have reason to believe that</p> <p>8 Dr. Saed made changes to the results of his study</p> <p>9 that the SGO reviewer said were overinterpreted?</p> <p>10 A. Do I have reason to believe? I think</p> <p>11 common sense would be that a author that submits a</p> <p>12 paper for publication and goes through the</p> <p>13 peer-review process and the reviewer returns</p> <p>14 comments that the author would then respond to</p> <p>15 those comments.</p> <p>16 Q. The reviewer told Dr. Saed -- stated</p> <p>17 that the use of the word "malignant" was improper.</p> <p>18 Did Dr. Saed's final paper use the word "malignant</p> <p>19 transformation"?</p> <p>20 MS. O'DELL: Object to the form.</p> <p>21 Jessica, if that's on the page that's</p> <p>22 displayed on the screen, would you mind --</p> <p>23 or, Asher, would you mind directing us to</p> <p>24 where that's stated.</p> <p>25 BY MS. DAVIDSON:</p>	<p style="text-align: right;">Page 93</p> <p>1 looking at the assay manufacturer's website; is</p> <p>2 that correct?</p> <p>3 MS. O'DELL: Object to the form.</p> <p>4 THE WITNESS: Yes.</p> <p>5 BY MS. DAVIDSON:</p> <p>6 Q. The Gynecological Oncology reviewer</p> <p>7 also said that the dose of talcum powder is</p> <p>8 extremely high.</p> <p>9 Page 70, Asher.</p> <p>10 Do you have an opinion as to whether</p> <p>11 the dose of talcum powder was extremely high?</p> <p>12 MS. O'DELL: Would you point out,</p> <p>13 please, where it says that.</p> <p>14 MR. TRANGLE: This is the bottom,</p> <p>15 reviewer number 2.</p> <p>16 BY MS. DAVIDSON:</p> <p>17 Q. Doctor, do you have an opinion as to</p> <p>18 whether the dose of talcum powder was extremely</p> <p>19 high?</p> <p>20 A. So a researcher can use whatever dose,</p> <p>21 if you will, that they choose to explore. Is this</p> <p>22 extremely high compared to what might thrive on a</p> <p>23 woman's ovaries after using talcum powder? Maybe</p> <p>24 so. I don't know for sure.</p> <p>25 So this is the interpretation -- this</p>

<p style="text-align: right;">Page 94</p> <p>1 is the opinion of this reviewer. I don't know what 2 the reviewer bases his opinion on, what's high, 3 what's low, what's reasonable. 4 Q. This reviewer states that the data are 5 premature, restricted to two cell lines, and really 6 offer no significant mechanistic insight. Do you 7 disagree with that statement? 8 A. Well, premature, I don't agree with it 9 at all because I mean the first time somebody 10 publishes something, that's oftentimes considered 11 premature. It's new information. So it comes out 12 first, then it would be in some people's minds 13 premature. Obviously, additional research needs to 14 be done to establish certain findings. 15 Restricted to two cell lines, well, he 16 used two cell lines. More work needs to be done to 17 get a third, fourth, fifth cell line. 18 And mechanistic insight, I think 19 there's mechanistic insight, not only in this paper 20 but in many others before that talcum powder causes 21 reactive oxygen species, reactive nitrogen species 22 causes secondary to the inflammation that talcum 23 powder causes, which then causes ultimately going 24 down through the whole chain malignant 25 transformation.</p>	<p style="text-align: right;">Page 96</p> <p>1 is inaccurate? 2 MS. O'DELL: Object to the form. 3 THE WITNESS: No. 4 BY MS. DAVIDSON: 5 Q. Would this dose ever replicate 6 physiological dosing? 7 MS. O'DELL: Objection. Form. 8 THE WITNESS: I don't know what 9 physiological dosing is. Many times in 10 pharmaceutical evaluation of drugs when we 11 talk about dose response and toxicity, the 12 drug is given to -- you know, in a 13 laboratory setting to animals or otherwise 14 at a variety of doses. And in some 15 situations defined what the maximum dose is, 16 the researchers will go beyond what is, you 17 know, excessively high dose, and it's 18 recognized that that dose results in severe 19 toxicity and, therefore, that pharmaceutical 20 product dosing is dropped down to where it's 21 safe. 22 So I don't know -- it's not 23 unreasonable to use a high dose when you're 24 investigating the toxicity of a particular 25 drug.</p>
<p style="text-align: right;">Page 95</p> <p>1 Q. And you believe that can all happen 2 within 72 hours? 3 MS. O'DELL: Object to the form. 4 THE WITNESS: I believe that's what 5 this technique is showing in this particular 6 lab, laboratory model, yes. 7 BY MS. DAVIDSON: 8 Q. And, again, that opinion is based 9 solely on the assay company's website and not any 10 published scientific literature; correct? 11 MS. O'DELL: Object to the form. 12 THE WITNESS: And what is in this 13 publication. 14 BY MS. DAVIDSON: 15 Q. You testified a minute ago that you 16 don't know how the peer reviewer decided the dose 17 of talcum powder was extremely high. But if you 18 look at this comment, he specifically states, "I 19 calculate it to be 263MM for the lower dose which 20 is unlikely to ever replicate physiological 21 dosing." 22 Did you calculate what the dose of 23 talcum powder was in this experiment? 24 A. No, I did not. 25 Q. Do you have any reason to believe this</p>	<p style="text-align: right;">Page 97</p> <p>1 BY MS. DAVIDSON: 2 Q. This isn't a drug, though. Do you know 3 whether Dr. Saed used an excessively high dose or 4 not? 5 A. He used -- I don't know how you define 6 excessively high dose. 7 Q. It was your term -- 8 A. It was the dose he used. 9 MS. O'DELL: Let him finish. 10 BY MS. DAVIDSON: 11 Q. It was your term. 12 Do you have an opinion as to the 13 whether or not the dose he used was excessively 14 high? 15 A. I don't -- it's the dose -- the dose is 16 what it was. 17 Q. Do you disagree with this peer reviewer 18 that it was extremely high? 19 MS. O'DELL: Object to the form. 20 THE WITNESS: I don't have an opinion 21 about this peer reviewer's comments. 22 BY MS. DAVIDSON: 23 Q. This peer reviewer states that "The use 24 of IHC to determine p53 mutation status is not very 25 sensitive."</p>

<p style="text-align: right;">Page 98</p> <p>1 Do you disagree with that statement?</p> <p>2 MS. O'DELL: Object to the form.</p> <p>3 THE WITNESS: I don't disagree with</p> <p>4 what you read. IHC is used to detect p53</p> <p>5 mutations, both wild type and malignant</p> <p>6 transformation.</p> <p>7 BY MS. DAVIDSON:</p> <p>8 Q. Is IHC sensitive for detecting p53</p> <p>9 mutation?</p> <p>10 A. Yes.</p> <p>11 Q. And what's your opinion for that based</p> <p>12 on?</p> <p>13 A. Extensive personal experience with</p> <p>14 pathologists sustaining with IHC for p53 mutations</p> <p>15 in ovarian cancers that I've -- in humans, women,</p> <p>16 that I've taken care of.</p> <p>17 Q. The author says that the high dosing</p> <p>18 was a major experimental flaw.</p> <p>19 Do you disagree with that?</p> <p>20 MS. O'DELL: I'm sorry, Jessica, where</p> <p>21 are you reading?</p> <p>22 MS. DAVIDSON: Right there.</p> <p>23 BY MS. DAVIDSON:</p> <p>24 Q. Do you disagree that the dosing was a</p> <p>25 major experimental flaw?</p>	<p style="text-align: right;">Page 100</p> <p>1 THE WITNESS: Yeah, I'm not sure where</p> <p>2 we are.</p> <p>3 MR. TRANGLE: It's number 2 here under</p> <p>4 major comments in the middle of the screen.</p> <p>5 MS. O'DELL: Thank you.</p> <p>6 THE WITNESS: Thank you.</p> <p>7 BY MS. DAVIDSON:</p> <p>8 Q. My question is do you believe it's</p> <p>9 clear in the paper how an acute 72-hour exposure to</p> <p>10 talc powder leads to cell transformation?</p> <p>11 MS. O'DELL: What's your question?</p> <p>12 THE WITNESS: So I'm not sure. Again,</p> <p>13 I'd have to reread the paper to answer your</p> <p>14 question about whether it's been explained.</p> <p>15 Oftentimes in the explanation about</p> <p>16 a -- in the evaluation of the results of a</p> <p>17 paper, that occurs in the discussion</p> <p>18 section. And, you know, authors choose to</p> <p>19 discuss certain points and disregard other</p> <p>20 points. They can't -- a discussion section</p> <p>21 could go on forever and ever.</p> <p>22 So it was if it was not explained, it's</p> <p>23 not necessarily surprising to me.</p> <p>24 BY MS. DAVIDSON:</p> <p>25 Q. How can a peer reviewer evaluate the</p>
<p style="text-align: right;">Page 99</p> <p>1 MS. O'DELL: Object to the form.</p> <p>2 THE WITNESS: No. As I said before,</p> <p>3 oftentimes in investigating the dosing of a</p> <p>4 particular drug or a product in this case,</p> <p>5 the researcher will run a gamut of different</p> <p>6 doses to evaluate that particular -- the</p> <p>7 reaction of the response of cells to</p> <p>8 those -- to that tissue in this case, to</p> <p>9 that product, in this case talcum powder.</p> <p>10 BY MS. DAVIDSON:</p> <p>11 Q. So you disagree with this author's</p> <p>12 statements that it's a major experimental flaw?</p> <p>13 A. Yes.</p> <p>14 Q. Let's move on the PLOS ONE peer review</p> <p>15 comments. The PLOS ONE reviewer states quote --</p> <p>16 Page 101, Asher.</p> <p>17 -- "It was not clear or explained how</p> <p>18 an acute 72-hour exposure to talc powder leads to</p> <p>19 cell transformation."</p> <p>20 Do you believe that it was clear or</p> <p>21 explained in the manuscript in the article how an</p> <p>22 acute 72-hour exposure to talc powder leads to cell</p> <p>23 transformation?</p> <p>24 MS. O'DELL: Doctor, if you need to</p> <p>25 refer to the paper.</p>	<p style="text-align: right;">Page 101</p> <p>1 validity of a scientific paper if it's not</p> <p>2 explained?</p> <p>3 A. I'm sorry, you faded out on me there.</p> <p>4 Q. How can a peer reviewer evaluate the</p> <p>5 validity of a scientific article if it's not</p> <p>6 properly explained?</p> <p>7 MS. O'DELL: Object to the form.</p> <p>8 THE WITNESS: Because peer reviewers</p> <p>9 should have the acumen, if you will, to</p> <p>10 understand what is going on and not have to</p> <p>11 have everything explained to them in the</p> <p>12 discussion -- in the specific paper.</p> <p>13 BY MS. DAVIDSON:</p> <p>14 Q. So are you saying that the fault here</p> <p>15 is with the peer reviewer and not the paper?</p> <p>16 MS. O'DELL: Objection.</p> <p>17 THE WITNESS: The peer reviewer may or</p> <p>18 may not have understood the explanation for</p> <p>19 the acute 72-hour exposure. We don't know</p> <p>20 what did the peer reviewer knows.</p> <p>21 The peer reviewer was asking, as I read</p> <p>22 this, to have an explanation. It doesn't</p> <p>23 mean the peer reviewer doesn't know. Maybe</p> <p>24 the peer reviewer feels like other readers</p> <p>25 should have an explanation so they can</p>

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1 understand.

2 This is the typical peer review process

3 where the peer reviewer offers up

4 suggestions about how one -- how they, that

5 reviewer, might suggest that the paper be

6 enhanced or changed to be more useful.

7 BY MS. DAVIDSON:

8 Q. Dr. Clarke-Pearson, do you believe it

9 was clear and explained in the article how an acute

10 72-hour exposure to talc powder leads to cell

11 transformation?

12 A. I don't think there was an explanation

13 in the article. I'm not sure it's required in the

14 article. Just because this peer reviewer says it

15 wasn't explained doesn't mean that it has to be in

16 the article.

17 Q. Can you please read major comment

18 number 4?

19 A. "Based on the minimal amount of data

20 provided in this manuscript, the authors'

21 conclusions suggests an acute exposure of talcum

22 powder -- talc powder to ovarian epithelial cells

23 associated with ovarian cancer are outrageous and

24 not supported by the manuscript's data."

25 Q. Have you ever received a comment from a

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1 peer reviewer suggesting that any article you wrote

2 was outrageous?

3 MS. O'DELL: Object to the form.

4 THE WITNESS: I've had some pretty

5 unhappy comments from peer reviewers. I'm

6 not sure anybody has used the word

7 "outrageous." I've been unhappy sometimes

8 when I receive peer reviewers' comments back

9 that are, you know, strongly negative and --

10 BY MS. DAVIDSON:

11 Q. But nobody --

12 A. -- have to just deal with that.

13 Q. But nobody has used the word

14 outrageous; correct?

15 A. I'm sorry, I talked over you.

16 Q. I said nobody has ever called your work

17 outrageous; correct?

18 MS. O'DELL: Object to the form.

19 THE WITNESS: I don't recall that.

20 BY MS. DAVIDSON:

21 Q. Do you disagree with the statement?

22 A. Yes, I think that's a little overstated

23 in terms of the emotions that are involved with

24 this comment. I think I would have been -- I was

25 not happy with the way this paper was written. I

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1 would be professional about it and outrageous goes

2 a little bit beyond what I consider professional

3 communication with a colleague.

4 Q. Do you think the authors' conclusions

5 suggesting acute exposure of talc powder to ovarian

6 epithelial cells is associated with ovarian cancer

7 are valid?

8 A. That's what we've been talking about,

9 yes.

10 Q. And that view is based, again, not on

11 any other peer-reviewed literature, but based

12 solely on the assay company's website; correct?

13 MS. O'DELL: Objection to form.

14 THE WITNESS: Yes.

15 BY MS. DAVIDSON:

16 Q. If we could continue, the reviewer

17 states that the "authors would need to conduct a

18 more diverse battery of tests to show that the

19 so-called transformed cells possess a tumor or

20 cancer cell phenotype."

21 Do you disagree with that?

22 A. This is a first of its kind paper. We

23 talked about premature, the word premature, and I

24 was saying this is now the first time this has been

25 published in this format. And, yes, additional

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1 research, additional studies should be done.

2 Q. But you wrote in your report that they

3 demonstrated p53 mutation cell proliferation and

4 malignant transformation?

5 A. Yes. In this -- in this experiment.

6 And doing more experiments with more cell lines,

7 maybe different doses would be perfectly

8 appropriate to continue this line of investigation

9 in the laboratory.

10 Q. But it's your opinion that they have

11 already demonstrated that exposure to Johnson's

12 Baby Powder causes p53 mutations, cell

13 proliferation, and malignant transformation in

14 normal ovarian epithelial cells; correct?

15 MS. O'DELL: Object to the form.

16 Misstates his testimony.

17 BY MS. DAVIDSON:

18 Q. I literally just read from his report.

19 A. Yes. And what I'm saying is I am

20 commenting with regard to this specific paper that

21 more research can be done and should be done, I

22 think, to continue to confirm or not confirm these

23 findings. But these findings are what they are.

24 Q. If we can move on to the next reviewer.

25 This reviewer states that all claims from malignant

<p style="text-align: right;">Page 106</p> <p>1 transformation should be changed to cell</p> <p>2 transformation. Do you agree with that comment?</p> <p>3 MS. O'DELL: What are you reading from,</p> <p>4 please?</p> <p>5 MR. TRANGLE: This is number 5, at the</p> <p>6 end of number 5 right above number 6 on the</p> <p>7 page.</p> <p>8 BY MS. DAVIDSON:</p> <p>9 Q. "All claims for malignant</p> <p>10 transformation should be changed to cell</p> <p>11 transformation."</p> <p>12 Do you disagree with that statement?</p> <p>13 A. That's a suggestion of the reviewer. I</p> <p>14 think that Dr. Harper need to take that under</p> <p>15 consideration and make a decision as to whether he</p> <p>16 should or shouldn't make that change that the</p> <p>17 reviewer is suggesting.</p> <p>18 Q. Did they make that change?</p> <p>19 A. I believe they stuck with malignant</p> <p>20 transformation.</p> <p>21 Q. Is cell transformation sufficient to</p> <p>22 show malignancy?</p> <p>23 A. No. It's a process moving towards</p> <p>24 malignancy.</p> <p>25 Q. Okay. Page 104. Another peer-reviewed</p>	<p style="text-align: right;">Page 108</p> <p>1 Q. Do you disagree with the reviewer's</p> <p>2 statements?</p> <p>3 A. I think that reviewer's statement is</p> <p>4 just a big overview of details that he's included</p> <p>5 in the prior comments. And so one would really</p> <p>6 need to go back and address each one of those</p> <p>7 comments and this is -- again, this is a reviewers'</p> <p>8 comments. Dr. Harper would have taken, in my</p> <p>9 opinion, those comments and reevaluated his</p> <p>10 manuscript and adjusted the manuscript to not</p> <p>11 necessarily follow what the reviewer says, but to</p> <p>12 consider what the reviewer is suggesting or saying</p> <p>13 and rewrite the manuscript as much as he needed to.</p> <p>14 Q. Did Dr. Saed or Harper address any of</p> <p>15 these comments to your knowledge?</p> <p>16 MS. O'DELL: Object to the form.</p> <p>17 THE WITNESS: The way they would</p> <p>18 address the comments would be to go back to</p> <p>19 their original manuscript, which you and I</p> <p>20 don't have -- or I don't have it, maybe you</p> <p>21 do, and compare that manuscript with the</p> <p>22 manuscript that got published and see where</p> <p>23 the differences are in that. Those</p> <p>24 differences probably would reflect at least</p> <p>25 some of the comments that these reviewers</p>
<p style="text-align: right;">Page 107</p> <p>1 comment.</p> <p>2 MS. O'DELL: So --</p> <p>3 BY MS. DAVIDSON:</p> <p>4 Q. "The problems with this submission are</p> <p>5 too numerous to count, and the science,</p> <p>6 methodology, and data cannot be trusted."</p> <p>7 Do you see that statement?</p> <p>8 MS. O'DELL: Just a moment, please.</p> <p>9 Asher, would you mind putting that in the</p> <p>10 chat? We don't have access to that page.</p> <p>11 MR. TRANGLE: Sure.</p> <p>12 BY MS. DAVIDSON:</p> <p>13 Q. Dr. Clarke-Pearson, do you see the</p> <p>14 sentence on the screen that says, "The problems</p> <p>15 with this submission are too numerous to count and</p> <p>16 the science, methodology, and data cannot be</p> <p>17 trusted"?</p> <p>18 MS. O'DELL: Object to the form. I</p> <p>19 think if you just give him a moment to read</p> <p>20 what's being shown. Not the whole page is</p> <p>21 not being shown, just to make sure he has it</p> <p>22 available to him.</p> <p>23 THE WITNESS: I've read that. That's</p> <p>24 what this reviewer is saying.</p> <p>25 BY MS. DAVIDSON:</p>	<p style="text-align: right;">Page 109</p> <p>1 have been making.</p> <p>2 BY MS. DAVIDSON:</p> <p>3 Q. Sitting here today, do you know whether</p> <p>4 Dr. Saed made any changes to the paper to address</p> <p>5 these comments?</p> <p>6 A. I have no knowledge one way or the</p> <p>7 other on that topic.</p> <p>8 Q. Have you ever received peer reviewer</p> <p>9 comments saying that your science cannot be</p> <p>10 trusted?</p> <p>11 MS. O'DELL: Objection.</p> <p>12 THE WITNESS: I'm not sure that would</p> <p>13 be the terminology that would be -- that</p> <p>14 I've seen, but I've seen significant</p> <p>15 questions about papers that I've submitted</p> <p>16 to asking me to expand or validate and</p> <p>17 comment or redo the statistics.</p> <p>18 BY MS. DAVIDSON:</p> <p>19 Q. But nobody's ever said that your</p> <p>20 science cannot be trusted; correct?</p> <p>21 MS. O'DELL: Object to form. Misstates</p> <p>22 the document.</p> <p>23 BY MS. DAVIDSON:</p> <p>24 Q. That's correct; right?</p> <p>25 MS. O'DELL: Object to the form.</p>

<p style="text-align: right;">Page 110</p> <p>1 Misstates the document. Does not say 2 science. 3 THE WITNESS: You know, nobody's ever 4 said that to me or written that to me. 5 MS. DAVIDSON: Thank you. Let's go off 6 the record. 7 (Recess taken from 11:23 a.m. until 11:34 a.m.) 8 BY MS. DAVIDSON: 9 Q. Dr. Clarke-Pearson, before we left on 10 our break, we were talking about peer-reviewed 11 comments that were submitted with respect to 12 Dr. Saed's paper. And just to recap, there were 13 two peer reviewers for Gynecologic Oncology, two 14 peer reviewers for PLOS ONE, and there were also 15 two peer reviewers for Reproductive Sciences; is 16 that correct? 17 MS. O'DELL: Object to the form. I 18 don't know that all those documents have 19 been shown to Dr. Clarke-Pearson. So not 20 sure that's a fair question. 21 MS. DAVIDSON: I believe it was all 22 part of the same exhibit. 23 Asher, if you want to run through and 24 show on this -- 25 MR. TRANGLE: Happy to.</p>	<p style="text-align: right;">Page 112</p> <p>1 findings; is that correct? 2 Asher, you should learn how to 3 highlight. 4 A. Yes, I see that. 5 Q. Okay. So there were two peer reviewers 6 for PLOS ONE; correct? 7 A. That's what it looks like, yes. 8 Q. So that's four reviewers total so far; 9 correct? 10 A. Yes. 11 Q. And are you aware that Reproductive 12 Sciences also rejected this paper? 13 A. I was not aware of that. 14 Q. All right. Are you now -- 15 MS. O'DELL: Would you mind letting us 16 know what the Bates Number is at the bottom 17 of this document? 18 MR. TRANGLE: Sure. It's the same -- 19 it's the same prefix and it ends in 128. 20 MS. O'DELL: Thank you. Because what 21 you put in the chat is a 284-page document, 22 so -- 23 MR. TRANGLE: I can put in the chat the 24 number. 25 MS. O'DELL: I just want to make sure</p>
<p style="text-align: right;">Page 111</p> <p>1 BY MS. DAVIDSON: 2 Q. So we can agree there are peer-reviewed 3 comments from three publications and multiple peer 4 reviewers for each publication. 5 You don't have these with you, Leigh? 6 MS. O'DELL: I have some of these 7 pages, but I don't have all of these pages. 8 As you know, the production for Dr. Saed was 9 pretty extensive. So I do not have 10 everything. 11 MR. TRANGLE: I put it in the chat when 12 I first displayed it. It's all one PDF. So 13 here it says two experts. 14 BY MS. DAVIDSON: 15 Q. Do you see, Dr. Clarke-Pearson, where 16 Gynecologic Oncology says your paper has been 17 reviewed by at least two experts in the field? 18 A. Yes. 19 Q. Okay. Let's move on to the next. So 20 that's GYN Oncology. You agree there were two peer 21 reviewers; correct? 22 A. Yes. 23 Q. PLOS ONE. It says both reviewers have 24 raised serious concerns about the experimental 25 design, analyses, and interpretation of the</p>	<p style="text-align: right;">Page 113</p> <p>1 we understood what we're seeing because I'm 2 not sure that Dr. Clarke-Pearson has been 3 shown this page previously. 4 THE WITNESS: No, I have not seen this 5 one. 6 BY MS. DAVIDSON: 7 Q. Dr. Clarke-Pearson, are you now aware 8 that Reproductive Sciences also rejected this 9 paper? 10 A. That's what I see on the screen, yes. 11 Q. And they also had peer reviewers; 12 correct? 13 A. Yes. 14 Q. And is it typical to have two peer 15 reviewers for each journal? Is that sort of 16 standard operating procedure? 17 A. I think I said earlier in the 18 conversation between you and me that sometimes two, 19 sometimes three. 20 Q. Got it. So at least six peer reviewers 21 felt that this paper was not suitable for 22 publication; correct? 23 A. Yes. 24 Q. How many of these peer-reviewed 25 comments had you read before you wrote your 2023</p>

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1 report?

2 MS. O'DELL: Object to the form.

3 THE WITNESS: I have not -- before I

4 wrote my November 15, 2023, report?

5 BY MS. DAVIDSON:

6 Q. Correct.

7 A. I have not seen any of these comments.

8 Q. When did you first see these comments?

9 A. I believe it was yesterday.

10 Q. Are you familiar with a paper called

11 Mandarinino 2020?

12 A. Yes.

13 MS. DAVIDSON: Let's mark that as

14 Exhibit 10.

15 (Exhibit 10 marked for identification.)

16 BY MS. DAVIDSON:

17 Q. If we could go back to your expert

18 report, which is Exhibit 8, you added citations to

19 Mandarinino; correct?

20 A. Yes. This is a new publication.

21 Q. What does Mandarinino say that supports

22 your opinion here?

23 A. That talcum powder stimulated

24 macrophages to produce increased reactive oxygen

25 species. We've talked about that before. And

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1 changes in gene and expression that could promote

2 pro-tumorigenic environment.

3 Q. You look like you're reading from

4 something. What are you reading from?

5 A. Reading from my report.

6 Q. Do you recognize any of the names of

7 the authors of this paper?

8 A. Let me look. Yes.

9 Q. Which name do you recognize?

10 A. Dr. Godleski.

11 Q. Can you turn to the declaration of

12 interest. Do you see the declaration of interest?

13 A. Yes, I do. It's on the last page

14 before references.

15 Q. Can you read the second sentence in the

16 declaration of interest?

17 A. "JYG has served as an independent

18 expert and provided expert testimony in talc and

19 other environmentally related litigation."

20 Q. Who's JYG?

21 A. I presume it's Dr. Godleski.

22 Q. And Dr. Godleski is a plaintiffs'

23 expert; correct?

24 A. Yes.

25 Q. Does this declaration make clear that

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1 Dr. Godleski testifies on behalf of plaintiffs?

2 A. He says he gives expert testimony in

3 talc and other environmental related litigation.

4 Q. Okay. My question was does this --

5 does this declaration of interest make clear that

6 Dr. Godleski testifies on behalf of plaintiffs?

7 A. I see what you're saying. It doesn't

8 say plaintiff, no.

9 Q. In fact, it says he's an independent

10 expert; correct?

11 A. Yes.

12 Q. How do you understand the term

13 "independent expert"?

14 MS. O'DELL: Object to the form.

15 THE WITNESS: I'm not sure I understand

16 what independent expert means.

17 BY MS. DAVIDSON:

18 Q. Is it your opinion that this paper

19 shows the carcinogenic properties of talc?

20 A. Well, as I said in my report, and I'll

21 just maybe paraphrase it, working with macrophages

22 exposed to talc, the macrophages in that

23 environment increased production of reactive oxygen

24 species. It changed the genes in the macrophages

25 and decreased immune surveillance, all of which

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1 could, would increase the risk of the patient

2 developing cancer or the cancer progressing because

3 of decreased immune surveillance of the macrophages

4 that had been damaged by talcum powder.

5 Q. Dr. Clarke-Pearson, thank you for that.

6 If you could try to answer my questions directly,

7 I'd appreciate it, since we are limited in our

8 time.

9 A. Okay.

10 Q. Although, there's a clear

11 misunderstanding as to how we're limited in our

12 time. I want to make clear again that based on the

13 Court's ruling, I do have 14 hours with you.

14 Dr. Clarke-Pearson, do you believe the

15 study shows the carcinogenic properties of talc;

16 yes or no?

17 MS. O'DELL: Object to the form. Asked

18 and answered.

19 You may answer it in the fashion you'd

20 like.

21 THE WITNESS: I think -- I think it's

22 demonstrating mechanisms that lead to

23 malignant transformation.

24 BY MS. DAVIDSON:

25 Q. The authors state that their study did

<p style="text-align: right;">Page 118</p> <p>1 not investigate the carcinogenic properties of talc 2 per se; correct? 3 A. They say changes -- this is in their 4 abstract. Changes in expression of macrophage 5 genes pertinent in cancer development and 6 immunosurveillance. 7 Q. Do the authors explicitly state that 8 their study did not investigate the carcinogenic 9 properties of talc? 10 MS. O'DELL: Objection. 11 THE WITNESS: I'd have to reread. Do 12 you have a sentence you want to show me that 13 says that? 14 MR. TRANGLE: On the screen it's in the 15 very bottom right-hand corner, last sentence 16 on the page. 17 THE WITNESS: "In our study we did not 18 investigate carcinogenic properties of talc 19 per se." 20 Yes, that's what he says. 21 BY MS. DAVIDSON: 22 Q. You disagree with the authors on that? 23 MS. O'DELL: Object to the form. 24 THE WITNESS: I disagree -- no, I don't 25 disagree with the authors. That's what they</p>	<p style="text-align: right;">Page 120</p> <p>1 humans' correct? 2 A. Sorry. Any effect on what? 3 Q. Phagocytes in humans. 4 MS. O'DELL: Object to the form. 5 THE WITNESS: Phagocytes in humans 6 you're saying? 7 BY MS. DAVIDSON: 8 Q. Uh-huh. 9 A. Not this model that they're using. 10 They weren't using human cells, as I recall. 11 Q. And they didn't test whether talc has 12 any kind of mutagenic or transformative effect on 13 human cells of any kind; correct? 14 MS. O'DELL: Object to the form. 15 THE WITNESS: That's correct. They 16 used an animal model that's common in 17 laboratory research. 18 BY MS. DAVIDSON: 19 Q. In fact, they used rodent cells; right? 20 A. I'd have to look at the specifics. I 21 know they weren't human cells. 22 Q. And did the authors determine whether 23 the changes they found were unique to talc? 24 MS. O'DELL: Would you mind repeating 25 the question, please? I couldn't hear it.</p>
<p style="text-align: right;">Page 119</p> <p>1 said. They weren't -- no, I mean, I don't 2 disagree with them. 3 BY MS. DAVIDSON: 4 Q. Did the authors investigate whether the 5 activity they discovered would involve an increased 6 likelihood of tumor growth? 7 A. They say what they found were changes 8 that were -- and I'm quoting from them -- pertinent 9 in cancer development. It doesn't say it caused 10 cancer development. These are steps leading up to 11 cancer development that they are identifying in 12 their research project. 13 Q. So this paper does not show the 14 initiation of cancer in ovarian cells from talc; 15 correct? 16 MS. O'DELL: Objection. 17 THE WITNESS: Would you repeat the 18 specific about your comments about cancer? 19 BY MS. DAVIDSON: 20 Q. This paper does not show the initiation 21 of cancer in ovarian cells from talc; correct? 22 A. That's my understanding. That's 23 correct. 24 Q. And the authors also did not show 25 whether talc has any effect on phagocytes in</p>	<p style="text-align: right;">Page 121</p> <p>1 Excuse me. Would you mind repeating the 2 question, please? I'm sorry, I couldn't 3 hear that. 4 BY MS. DAVIDSON: 5 Q. Did the authors determine whether the 6 changes they found are unique to talc? 7 A. They were unique to talc when they 8 compared it with other products such as titanium 9 dioxide, urban air concentration, and diesel 10 exhaust particles. 11 Q. If we could turn to page 9, sentence 12 beginning, "We also did not aim." 13 MR. TRANGLE: The bottom of the left 14 column. 15 BY MS. DAVIDSON: 16 Q. Can you read the sentence that begins 17 "We also did not aim." 18 Asher, if you could highlight it. 19 A. I see it. 20 Q. Can you read that sentence aloud? 21 A. So we did not -- let me look at it. 22 "we did not aim to determine whether the changes we 23 found are unique to talc. The focus of our 24 experiments was to demonstrate whether talc is 25 inert when phagocytized in a high-estrogen milieu."</p>

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1 That was their intent.

2 Q. So they did not aim to determine

3 whether the changes were unique to talc; correct?

4 MS. O'DELL: Objection to form.

5 THE WITNESS: Well, there may be other

6 products that could cause similar changes.

7 The products that they used that I just

8 identified, including titanium oxide, did

9 not cause the same changes that talc did.

10 BY MS. DAVIDSON:

11 Q. And did this study examine gene

12 expression levels or mutations?

13 A. I think it looked at gene expression

14 models.

15 Q. Is a change in gene expression the same

16 as inducing a mutation?

17 A. No.

18 Q. Do changes in gene expression levels

19 always lead to carcinogenesis?

20 A. No.

21 Q. Did this study use already malignant

22 ovarian cancer cells?

23 A. I believe they did.

24 Q. Okay. Let's move on to Exhibit 11, Emi

25 2021.

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1 A. I'm sorry, what are you going to?

2 Q. Exhibit 11. We're going to put it up

3 on the screen. Emi 2021.

4 (Exhibit 11 marked for identification.)

5 BY MS. DAVIDSON:

6 Q. Emi '21, "Transcriptomic and epigenomic

7 effects of insoluble particles on J774 of

8 macrophages." Are you familiar with that paper?

9 MS. O'DELL: Let me get it in front of

10 him. Okay.

11 BY MS. DAVIDSON:

12 Q. Dr. Clarke-Pearson, you cited this

13 paper in your report; correct, in your supplemental

14 report?

15 A. Yes.

16 Q. Why?

17 A. Because it, again, is a new in vitro

18 research paper that shows the effect of talcum

19 powder on cell proliferation, immune response and

20 signaling, immunosurveillance, and apoptosis. So

21 all those things that can lead to ovarian cancer.

22 Q. Does the study examine effects on human

23 ovarian cells?

24 A. Let me just double-check.

25 No. I think it's again a murine model,

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1 a mass model.

2 Q. And what type of cell does it look at?

3 MS. O'DELL: Object to the form. Asked

4 and answered.

5 THE WITNESS: Well, they were

6 chromosomally female cells which is relevant

7 to women getting ovarian cancer and widely

8 used in macrophage and phagocyte --

9 phagocyte model cell lines.

10 BY MS. DAVIDSON:

11 Q. It discusses the effects on

12 macrophages; right?

13 A. Yes.

14 Q. Are those ovarian cells?

15 A. No. These are macrophages. Part of

16 the immune system that is stimulated by reactive

17 oxygen species in chronic inflammation.

18 Q. What did Emi find about titanium

19 dioxide?

20 MS. O'DELL: Objection. Form.

21 BY MS. DAVIDSON:

22 Q. Do you recall whether this paper found

23 that titanium dioxide also leads to gene expression

24 and transcription changes in phagocytes?

25 A. I'd have to reread it. I believe that

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1 it does to a lesser degree.

2 Q. Does that surprise you?

3 A. Not necessarily. I mean, it's a

4 foreign body as well that can simulate an

5 inflammatory response, but apparently not as much

6 as talcum powder.

7 Q. So both talcum powder and the supposed

8 control, which is titanium dioxide, led to changes

9 in phagocytes; correct?

10 MS. O'DELL: Object to form.

11 THE WITNESS: I'm sorry, you'll --

12 would you please repeat that question. I

13 didn't hear it?

14 MS. DAVIDSON: Did you get the

15 question, court reporter?

16 (The reporter read back the last question.)

17 THE WITNESS: And my answer is yes.

18 BY MS. DAVIDSON:

19 Q. Does Emi say anything about

20 carcinogenesis?

21 MS. O'DELL: Object to the form.

22 THE WITNESS: Not that I recall.

23 BY MS. DAVIDSON:

24 Q. And, again, it doesn't use human cells;

25 correct?

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1 A. No, it doesn't. It uses mouse cells.
2 Q. And it doesn't use ovarian cells;
3 correct?
4 A. That's correct.
5 Q. And it looks at gene expression, not
6 malignancy; correct?
7 MS. O'DELL: Object to the form.
8 THE WITNESS: It identifies gene
9 expression, yes.
10 BY MS. DAVIDSON:
11 Q. So this paper does not examine whether
12 talc causes mutations; correct?
13 MS. O'DELL: Objection, form.
14 THE WITNESS: It doesn't identify
15 mutations, you're correct.
16 BY MS. DAVIDSON:
17 Q. So how does the study support your
18 opinion that talc causes ovarian cancer?
19 A. Would you repeat that question?
20 MS. DAVIDSON: Court reporter.
21 (The reporter read back the last question.)
22 THE WITNESS: Right. So these are all
23 studies showing mechanisms that result from
24 chronic inflammation caused by talc. And
25 those properties that are induced, that

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1 inflammation reactive oxygen species, immune
2 alterations, alterations apoptosis, many
3 other things are all components of what
4 results in the development of ovarian cancer
5 caused by talc.
6 BY MS. DAVIDSON:
7 Q. Is it still your opinion that the
8 mechanism by which talc allegedly causes ovarian
9 cancer is through inflammation?
10 A. Absolutely.
11 (Exhibit 12 marked for identification.)
12 Q. If we can mark as Exhibit 12 Phung
13 2022. In your report, you cite this paper, Phung
14 2022. Do you recall that?
15 A. I do.
16 Q. Do you know who the authors were of
17 this paper?
18 A. It's a consortium. There's multiple
19 authors.
20 Q. Do you recognize the name Daniel
21 Cramer?
22 A. I'm sorry, what about Daniel Cramer?
23 Q. Do you recognize that name?
24 A. Yes.
25 Q. How do you recognize his name?

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1 A. He's been involved with several
2 peer-reviewed publications regarding talcum powder
3 causing ovarian cancer.
4 Q. Is he a plaintiffs' expert in this
5 litigation?
6 A. I believe he has been.
7 Q. If we could turn to his disclosure.
8 A. Where is that? At the end of the
9 paper?
10 Q. Asher is putting it up on the screen.
11 MS. O'DELL: Published version.
12 MS. DAVIDSON: I'm going to read his
13 disclosure aloud to you.
14 BY MS. DAVIDSON:
15 Q. "DWC reports payments for expert
16 testimony from Ferraro Law Firm and Ashcraft and
17 Gerel Law Firm."
18 Do you see that?
19 A. I just found it, yes.
20 Q. Does this sentence state whether
21 Dr. Cramer is an expert for plaintiffs or for
22 defendants?
23 MS. O'DELL: Object to the form.
24 THE WITNESS: He doesn't -- he doesn't
25 say plaintiff or defendant.

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1 BY MS. DAVIDSON:
2 Q. Does it say that he's an expert in talc
3 litigation?
4 A. No. It says he's an expert working
5 with these two law firms and also with grant
6 funding from NIH.
7 Q. Someone reading this disclosure would
8 not know that Dr. Cramer is an expert for
9 plaintiffs in talc litigation; correct?
10 MS. O'DELL: Object to the form.
11 THE WITNESS: I don't have an opinion
12 about what people would know.
13 BY MS. DAVIDSON:
14 Q. Does this sentence make clear that
15 Dr. Cramer is an expert for plaintiffs in talc
16 litigation?
17 A. No.
18 Q. Thank you. Let's move on to mark as
19 Exhibit 13 Woolen 2022. We've talked about this
20 paper; correct?
21 A. Yes.
22 (Exhibit 13 marked for identification.)
23 BY MS. DAVIDSON:
24 Q. This is the paper that you sent to ACOG
25 and SGO; correct?

<p style="text-align: right;">Page 130</p> <p>1 A. Yes.</p> <p>2 Q. Following those submissions by you to</p> <p>3 ACOG and SGO, did they change any of their public</p> <p>4 statements with respect to talc?</p> <p>5 A. I'm not aware of any changes.</p> <p>6 Q. Following your submissions to ACOG and</p> <p>7 SGO, have they issued any statements suggesting</p> <p>8 that talc is a risk factor for ovarian cancer?</p> <p>9 A. Not that I'm aware of.</p> <p>10 Q. Okay. Have you read</p> <p>11 Dr. Smith-Bindman's reports in this litigation?</p> <p>12 A. Her report?</p> <p>13 Q. Uh-huh.</p> <p>14 A. I have not read her expert report, no.</p> <p>15 Q. And, as a result, you're not aware that</p> <p>16 Dr. Smith-Bindman began this -- the meta-analysis</p> <p>17 that led to Woolen paper in her litigation report;</p> <p>18 is that correct?</p> <p>19 MS. O'DELL: Object to the form.</p> <p>20 Misstates the evidence.</p> <p>21 THE WITNESS: I'm not aware.</p> <p>22 BY MS. DAVIDSON:</p> <p>23 Q. Were you aware that Dr. Smith-Bindman</p> <p>24 did a meta-analysis for this litigation before this</p> <p>25 paper was published?</p>	<p style="text-align: right;">Page 132</p> <p>1 with respect to scientific integrity?</p> <p>2 MS. O'DELL: Object to the form.</p> <p>3 THE WITNESS: No. I think scientific</p> <p>4 integrity obviously ties back to</p> <p>5 publication. Otherwise, if it's just</p> <p>6 sitting on somebody's desk, it's not --</p> <p>7 doesn't mean anything.</p> <p>8 So that integrity goes through the peer</p> <p>9 review process before it gets published.</p> <p>10 And identifying, you know, in the manuscript</p> <p>11 that it's a post hoc analysis is important</p> <p>12 for full disclosure.</p> <p>13 BY MS. DAVIDSON:</p> <p>14 Q. Is the reliability of a meta-analysis</p> <p>15 contingent on proper selection of studies and data</p> <p>16 sets?</p> <p>17 MS. O'DELL: Objection.</p> <p>18 THE WITNESS: I would say yes.</p> <p>19 BY MS. DAVIDSON:</p> <p>20 Q. Did Woolen 2022 include the prospective</p> <p>21 data from the O'Brien 2020 pooled analysis?</p> <p>22 MS. O'DELL: Objection. Form.</p> <p>23 THE WITNESS: It obtained -- it</p> <p>24 included information supplied by O'Brien</p> <p>25 from the Minerva health study one that, as I</p>
<p style="text-align: right;">Page 131</p> <p>1 A. I was not aware.</p> <p>2 Q. Were you aware that Dr. Woolen received</p> <p>3 Dr. Smith-Bindman's litigation report before</p> <p>4 setting out to do the study?</p> <p>5 MS. O'DELL: Objection. Form.</p> <p>6 THE WITNESS: I was not aware of that.</p> <p>7 BY MS. DAVIDSON:</p> <p>8 Q. And you were not aware that 9 of the 11</p> <p>9 studies in this paper had already been the subject</p> <p>10 of a litigation meta-analysis; correct?</p> <p>11 MS. O'DELL: Objection to the form.</p> <p>12 THE WITNESS: I was not aware of that</p> <p>13 either.</p> <p>14 BY MS. DAVIDSON:</p> <p>15 Q. Are you familiar with the term "post</p> <p>16 hoc analysis"?</p> <p>17 A. Somewhat, yes.</p> <p>18 Q. What does that mean?</p> <p>19 A. It means after the study has been done,</p> <p>20 somebody -- not necessarily the primary researcher,</p> <p>21 but somebody could have access to the database and</p> <p>22 reanalyze the database or, you know, asking another</p> <p>23 question that might be contained in the data that's</p> <p>24 there.</p> <p>25 Q. Do post hoc analyses raise any issues</p>	<p style="text-align: right;">Page 133</p> <p>1 understand it, had not been published</p> <p>2 previously.</p> <p>3 BY MS. DAVIDSON:</p> <p>4 Q. Do you know why Woolen 2022 did not</p> <p>5 include prospective data from O'Brien 2020</p> <p>6 published?</p> <p>7 MS. O'DELL: Objection to form.</p> <p>8 THE WITNESS: The data in 2020 is</p> <p>9 different than the data that was supplied by</p> <p>10 O'Brien for this Woolen paper.</p> <p>11 BY MS. DAVIDSON:</p> <p>12 Q. Do you know what the reason for that</p> <p>13 is?</p> <p>14 A. Because O'Brien hadn't published</p> <p>15 previously on daily exposure in the previously</p> <p>16 published national health study -- national health</p> <p>17 study participants.</p> <p>18 Q. Did O'Brien 20220 use the term</p> <p>19 "frequent exposure"?</p> <p>20 A. I have to go back to O'Brien 2020.</p> <p>21 MS. DAVIDSON: Why don't we mark</p> <p>22 O'Brien 2020. We haven't marked that yet --</p> <p>23 oh, I think we did actually.</p> <p>24 MR. TRANGLE: We did.</p> <p>25 MS. DAVIDSON: O'Brien 2020 was</p>

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1 Exhibit 6. Let's put that up, Asher,
2 because we want to move things along and
3 then we'll come back to this.
4 BY MS. DAVIDSON:
5 Q. If you could turn --
6 Dr. Clarke-Pearson, if you could look up on the
7 screen just to move things along. Do you see where
8 it says exposure -- "exposures" in the abstract?
9 A. Looking at the abstract.
10 Q. Do you see on the screen the word
11 "exposures"?
12 A. There's lots of words on the screen.
13 Q. There's a heading on the screen.
14 A. I gotcha. Okay.
15 Q. Can you read what it says?
16 A. Yeah. It says, "Exposures. Ever,
17 long-term greater than 20 years and frequent
18 greater than once a week.
19 Q. Okay. So --
20 A. Equal and once a week, yeah.
21 MS. O'DELL: I don't think he was
22 finished.
23 BY MS. DAVIDSON:
24 Q. So before Woolen was ever published,
25 O'Brien had already defined the term "frequent;" is

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1 that correct?
2 MS. O'DELL: Object to the form.
3 THE WITNESS: I think it's --
4 MS. O'DELL: Object to the form. You
5 may answer.
6 BY MS. DAVIDSON:
7 Q. Dr. Clarke-Pearson --
8 A. I think --
9 MS. O'DELL: Let him finish his answer,
10 please, Jessica.
11 BY MS. DAVIDSON:
12 Q. Dr. Clarke-Pearson, I just was going to
13 repeat the question because there was so much
14 chatter by Leigh. Before --
15 A. Okay. Go ahead.
16 MS. O'DELL: Oh, yes.
17 BY MS. DAVIDSON:
18 Q. Before Dr. Woolen published her
19 meta-analysis, Dr. O'Brien in her paper had defined
20 the term "frequent" as greater or equal to one
21 week; is that correct?
22 MS. O'DELL: Object to the form.
23 BY MS. DAVIDSON:
24 Q. Once a week?
25 MS. O'DELL: Object to the form.

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1 THE WITNESS: I believe that's what
2 they report in this 2020 paper, yes.
3 BY MS. DAVIDSON:
4 Q. Does Dr. Woolen explain anywhere in her
5 paper why she decided to deviate from Dr. O'Brien's
6 definition of the word "frequent"?
7 MS. O'DELL: Objection to form.
8 THE WITNESS: Well, she -- I mean
9 frequent can have many definitions. And
10 Dr. Woolen has chosen the definition that's
11 slightly different than the definition that
12 Dr. O'Brien used in the 2020 paper.
13 BY MS. DAVIDSON:
14 Q. How many of the papers -- we can go
15 back to Woolen, Asher.
16 How many of the papers cited in Woolen
17 involved two days per week of use?
18 A. As I review -- as I see Table 2, it
19 would appear that all those papers would be at
20 least two days per week.
21 Q. Do any of them involve two or three
22 days per week of use?
23 MS. O'DELL: Object to form.
24 THE WITNESS: Not that I see in the
25 column on Table 2.

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1 BY MS. DAVIDSON:
2 Q. Do any of them involve four days a week
3 of use?
4 MS. O'DELL: Objection to the form.
5 THE WITNESS: They could.
6 BY MS. DAVIDSON:
7 Q. Which would that be?
8 A. Four days -- four days per week, for
9 example, Chang, 25 times per month. That's
10 almost -- that's almost daily if you exclude her
11 menstrual period during that month. So that would
12 be every day of that month the patient in the Chang
13 studies were exposed. So that's four or five or
14 six days per week.
15 Q. Are any of them limited to just four
16 days per week?
17 MS. O'DELL: Objection to the form.
18 THE WITNESS: Mills says four to seven
19 times per week.
20 BY MS. DAVIDSON:
21 Q. Do you know if Dr. Woolen used the data
22 from Mills for four times per week?
23 A. I have no reason to think she didn't.
24 Q. When you said excluded menstrual
25 period, what did you mean?

<p style="text-align: right;">Page 138</p> <p>1 Asher, we're seeing your e-mail, so</p> <p>2 please turn off your screen.</p> <p>3 When you said excluded -- excluding</p> <p>4 menstrual period, what did you mean by that?</p> <p>5 A. What do I mean?</p> <p>6 Q. Uh-huh.</p> <p>7 A. Well, most women in this study were</p> <p>8 premenopausal and likely, in my humble opinion,</p> <p>9 were having a menstrual period once a month. So if</p> <p>10 we look at 30 days per month on an average month,</p> <p>11 several of those days when the patient is having</p> <p>12 her menstrual period and those women may or may not</p> <p>13 be using talcum powder during that time. But 25</p> <p>14 times per month is not necessarily 30 times per</p> <p>15 month like every day, but 25 times per month would</p> <p>16 expose the patient, to answer your question, to</p> <p>17 four times per week for sure.</p> <p>18 Q. But that would be much more than four</p> <p>19 times per week; correct?</p> <p>20 A. It could be.</p> <p>21 Q. Well, if you take 30 and you divide it</p> <p>22 by 25, that's almost every day; right?</p> <p>23 A. 25 out of 30 is almost every day, yes.</p> <p>24 Q. I was asking if you're aware of any</p> <p>25 data they used based on use only four days a week?</p>	<p style="text-align: right;">Page 140</p> <p>1 A. I think you just asked me that</p> <p>2 question.</p> <p>3 Q. Your answer was not clear?</p> <p>4 A. My answer was that four times per week</p> <p>5 is in the Mills study.</p> <p>6 Q. Dr. Clarke-Pearson, why would a woman</p> <p>7 who has her period not use talcum powder?</p> <p>8 A. It's a personal preference. I mean, I</p> <p>9 don't know. I'm not a woman and I've never used</p> <p>10 talcum powder. I've never been around anybody that</p> <p>11 I can personally say used talcum powder to give me</p> <p>12 just an informal answer. So, I mean, obviously I'm</p> <p>13 aware of studies where women have used talcum</p> <p>14 powder on their perineal pad when they're having</p> <p>15 their period.</p> <p>16 Q. I just wanted to understand the basis</p> <p>17 for your statement earlier about taking out the</p> <p>18 time that a woman has her period?</p> <p>19 A. Well, I think exposure to talcum powder</p> <p>20 is more likely when the patient is not having her</p> <p>21 period when the reproductive tract doesn't have</p> <p>22 blood flowing out of it. So talcum powder can</p> <p>23 ascend to the ovary and tubes.</p> <p>24 Q. So is it your opinion that talcum</p> <p>25 powder is less likely to ascend a woman's genital</p>
<p style="text-align: right;">Page 139</p> <p>1 A. I didn't understand your question that</p> <p>2 way. Could you repeat it now?</p> <p>3 Q. Are you aware of any data used by</p> <p>4 Woolen that involved use of just four days per</p> <p>5 week?</p> <p>6 A. Woolen defined frequent use as two or</p> <p>7 more times per week. So four times per week is</p> <p>8 greater than two times per week. So she included</p> <p>9 patients that had four times per week.</p> <p>10 Q. Which of the underlying papers used by</p> <p>11 Woolen involved use just two to four times per</p> <p>12 week?</p> <p>13 MS. O'DELL: Objection to form.</p> <p>14 THE WITNESS: I'm not aware of any of</p> <p>15 those papers that were just two times per</p> <p>16 week. All of them were more than -- all of</p> <p>17 them were more than two times per week.</p> <p>18 BY MS. DAVIDSON:</p> <p>19 Q. Are you aware of any papers that were</p> <p>20 just three times a week?</p> <p>21 MS. O'DELL: Object to form.</p> <p>22 THE WITNESS: No.</p> <p>23 BY MS. DAVIDSON:</p> <p>24 Q. Are you aware of any papers that were</p> <p>25 just four times per week?</p>	<p style="text-align: right;">Page 141</p> <p>1 tract when she has her period?</p> <p>2 A. Yes.</p> <p>3 MS. DAVIDSON: All right. Let's go off</p> <p>4 the record for five minutes.</p> <p>5 (Recess taken from 12:13 p.m. until 12:23 p.m.)</p> <p>6 BY MS. DAVIDSON:</p> <p>7 Q. Dr. Clarke-Pearson, would it have been</p> <p>8 more accurate for the Woolen paper to have defined</p> <p>9 frequent use as four days or more of use given what</p> <p>10 you saw in Table 2?</p> <p>11 MS. O'DELL: Object to the form.</p> <p>12 BY MS. DAVIDSON:</p> <p>13 Q. Table 1. Sorry. Was it -- wait.</p> <p>14 MS. O'DELL: Object to the form.</p> <p>15 MS. DAVIDSON: Let me just make sure</p> <p>16 I've got the right table.</p> <p>17 MR. TRANGLE: It's 2.</p> <p>18 MS. DAVIDSON: Asher, can you put it</p> <p>19 back up on the screen. I think it's Table</p> <p>20 2. I think I had it right the first time.</p> <p>21 So let me just re-ask the question.</p> <p>22 BY MS. DAVIDSON:</p> <p>23 Q. Based on our review before the break of</p> <p>24 Table 2, would it have been more accurate to define</p> <p>25 this study as looking at use of four days or more</p>

<p style="text-align: right;">Page 142</p> <p>1 per week?</p> <p>2 MS. O'DELL: Object to the form.</p> <p>3 THE WITNESS: So now you're sounding</p> <p>4 exactly like the peer reviewers, looking at</p> <p>5 a paper and then saying, well, maybe it</p> <p>6 should be looked at differently.</p> <p>7 My answer to you is this is what</p> <p>8 Dr. Woolen chose to use, greater than two</p> <p>9 times per week. She could have looked at it</p> <p>10 at four times per week.</p> <p>11 BY MS. DAVIDSON:</p> <p>12 Q. But, Dr. Clarke-Pearson, she did look</p> <p>13 at it as only four times per week or more; correct?</p> <p>14 We concluded before the break that Table 2 does not</p> <p>15 show any data for use between two and four days a</p> <p>16 week; right?</p> <p>17 MS. O'DELL: Object to the form.</p> <p>18 THE WITNESS: Between two and four days</p> <p>19 per week. No, I mean you had asked me about</p> <p>20 four days a week, and I cited the Mills</p> <p>21 paper.</p> <p>22 BY MS. DAVIDSON:</p> <p>23 Q. Right. So, Dr. Clarke-Pearson, the</p> <p>24 Woolen paper does not use any data for two or three</p> <p>25 days per week of use; correct?</p>	<p style="text-align: right;">Page 144</p> <p>1 A. So I think what you're trying to say is</p> <p>2 specifically only two days per week or only three</p> <p>3 days per week. Is that what you're trying to say?</p> <p>4 Q. Correct, sir.</p> <p>5 A. I see. So there's no specific</p> <p>6 identification of that sort of patient.</p> <p>7 Q. So wouldn't it be more accurate if this</p> <p>8 paper stated that it defined frequent use as four</p> <p>9 or more days per week?</p> <p>10 MS. O'DELL: Object to the form.</p> <p>11 THE WITNESS: They could have, but they</p> <p>12 chose to use greater than two days per week.</p> <p>13 BY MS. DAVIDSON:</p> <p>14 Q. But where are the data for two or three</p> <p>15 days per week?</p> <p>16 MS. O'DELL: Objection. Form.</p> <p>17 THE WITNESS: This is greater than two</p> <p>18 days per week. All these studies, the 11</p> <p>19 studies of patients that receive -- that use</p> <p>20 talcum powder two or more days per week.</p> <p>21 BY MS. DAVIDSON:</p> <p>22 Q. But, in fact, the only data used by</p> <p>23 Woolen are people who use talc four or more days</p> <p>24 per week; correct?</p> <p>25 MS. O'DELL: Object to the form.</p>
<p style="text-align: right;">Page 143</p> <p>1 MS. O'DELL: Objection to the form.</p> <p>2 THE WITNESS: It used two or greater</p> <p>3 days per week, is that what you're --</p> <p>4 BY MS. DAVIDSON:</p> <p>5 Q. Two or three?</p> <p>6 A. Two or three.</p> <p>7 MS. O'DELL: Object.</p> <p>8 THE WITNESS: No, I don't -- it would</p> <p>9 have included three. Two or more days per</p> <p>10 week would include three.</p> <p>11 BY MS. DAVIDSON:</p> <p>12 Q. If someone used -- if there were papers</p> <p>13 that reported on talc use for two or three times</p> <p>14 per week, was that covered in Table 2?</p> <p>15 MS. O'DELL: Object to the form.</p> <p>16 THE WITNESS: Those patients would be</p> <p>17 included in Table 2.</p> <p>18 BY MS. DAVIDSON:</p> <p>19 Q. Patients who only used talc two or</p> <p>20 three days a week are included in Table 2?</p> <p>21 A. Two or more days per week are included</p> <p>22 in Table 2.</p> <p>23 Q. Where in Table 2 can you point me to</p> <p>24 patients who use talc either two days a week or</p> <p>25 three days a week?</p>	<p style="text-align: right;">Page 145</p> <p>1 THE WITNESS: I think that probably</p> <p>2 would be correct.</p> <p>3 BY MS. DAVIDSON:</p> <p>4 Q. Do you know if there are data available</p> <p>5 anywhere from any of these studies that would</p> <p>6 reflect two or three days per week of use?</p> <p>7 A. Not that I know of in these studies,</p> <p>8 no.</p> <p>9 Q. Would you be surprised to learn that</p> <p>10 some of these studies do include data for use that</p> <p>11 correlates to two or three days per week?</p> <p>12 MS. O'DELL: Object to the form.</p> <p>13 THE WITNESS: If they use two or three</p> <p>14 days per week, then they would have been</p> <p>15 using two or more days per week which would</p> <p>16 be included in this analysis.</p> <p>17 BY MS. DAVIDSON:</p> <p>18 Q. So it's your testimony that if any of</p> <p>19 the studies listed in Table 2 provided data for two</p> <p>20 days per week of use, they would have been included</p> <p>21 here; correct?</p> <p>22 MS. O'DELL: Objection. Form.</p> <p>23 THE WITNESS: Two or more days per week</p> <p>24 would be included in this study, yes.</p> <p>25 BY MS. DAVIDSON:</p>

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1 Q. Are you aware that when it came to
2 O'Brien the Woolen authors only used data for
3 patent women?
4 A. I didn't hear your whole question. I'm
5 sorry.
6 Q. Are you aware that the Woolen authors
7 only used data for patent women from the NHS1
8 study?
9 A. Yes. And that was harmonized with many
10 of the other studies -- of the other ten where the
11 authors chose to only focus on patients that had
12 patent fallopian tubes and an intact uterus.
13 Q. Can you point to a single one of those
14 ten studies that only focuses on patent women?
15 A. I would have to go back to those
16 studies and look at them, but I know there are some
17 in there.
18 Q. So it's your testimony that some of
19 those ten studies are reported in Table 2 only for
20 patent women?
21 A. That included only patency, yes.
22 Q. How many of the ten?
23 A. I don't know. I just told you. I'd
24 have to go back and look at them. That's why they
25 harmonized. You wouldn't harmonize with patients

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1 that didn't have patency and report it under
2 footnote number 5.
3 Q. Would it surprise you that not a single
4 one of those ten other studies actually was
5 restricted to women with patent reproductive
6 tracts?
7 MS. O'DELL: Objection to form.
8 THE WITNESS: Again, I would have to
9 look at those studies once again.
10 BY MS. DAVIDSON:
11 Q. Would it surprise you, if it were the
12 case, that not one of those ten studies was limited
13 to women with patent reproductive tracts?
14 MS. O'DELL: Objection to the form.
15 THE WITNESS: I don't know because I
16 would have to look at these studies again.
17 BY MS. DAVIDSON:
18 Q. But you testified a few moments ago
19 that it was done to harmonize with these other ten.
20 Is that still your testimony?
21 A. That's what the author says in footnote
22 number 5.
23 Q. Do you know if that's accurate?
24 A. I believe it is.
25 Q. What is that belief based on?

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1 A. My understanding is that some of these
2 other studies 1 through 10 included -- focused only
3 on patients with patent fallopian tubes.
4 Q. What's that understanding based on?
5 A. On having previously read these papers.
6 But I at this moment cannot tell you which papers
7 have patency as their criteria.
8 Q. Do you have an opinion as to whether
9 it's some, most, of those ten?
10 A. I'd have to review those papers.
11 Q. If none of the studies in 1 through 10
12 is restricted to women with patent reproductive
13 tracts, would that footnote that we just looked at
14 about harmonization be inaccurate?
15 MS. O'DELL: Object.
16 THE WITNESS: Is a hypothetical
17 question if none of them had patency?
18 BY MS. DAVIDSON:
19 Q. If none of those ten studies is limited
20 to patency, then is footnote number 5 about
21 harmonization inaccurate?
22 MS. O'DELL: Object to form.
23 THE WITNESS: Hypothetical case, yes.
24 But I don't know why they would say
25 harmonize if there were none that had

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1 patency as part of their criteria.
2 BY MS. DAVIDSON:
3 Q. Okay. Could we look at the data that
4 are listed here for Wu on line 10.
5 A. I see it.
6 MS. DAVIDSON: Great, Asher. Asher has
7 mastered highlighting. Excellent.
8 THE WITNESS: Yeah, that's terrific.
9 Thank you, Asher.
10 MS. DAVIDSON: Let's do that going
11 forward, Asher. I was going to ask you on a
12 break to chat with a paralegal and figure it
13 out, and we're glad you've mastered that
14 important skill that they do not teach in
15 law school.
16 BY MS. DAVIDSON:
17 Q. Dr. Clarke-Pearson, we're looking at
18 the Wu study, right, that's a case-control study
19 from 2009. You read that study before; correct?
20 A. Yes.
21 Q. And the data provided here for Wu says
22 greater than 30 times per month; correct?
23 A. Yes.
24 Q. And so how many times per week is that?
25 A. Well, assuming that there's a 30 to

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1 31 days a month, it seems like it would be every
2 day.
3 Q. Correct. Do you know whether Wu -- do
4 you recall from your review of that paper whether
5 it also provided -- you can leave that, Asher.
6 Are you familiar whether Wu also
7 provided data with respect to women who used talc
8 ten times per month?
9 MS. O'DELL: Object to the question --
10 or to, one, we need to get the paper in
11 front of Dr. Clarke-Pearson. Wu is a study
12 that was produced sometime ago. It was
13 involved -- or was cited in his first report
14 and he was examined it on during his first
15 deposition. So just wait a moment and we'll
16 put it in front of him.
17 BY MS. DAVIDSON:
18 Q. I would just like to note for the
19 record that Ms. O'Dell is objecting to my asking
20 about a study that's included in a paper that's in
21 your current report.
22 Dr. --
23 MS. O'DELL: That's not the basis of my
24 objection. I'm just saying this is not a
25 memory test. And he is entitled to see a

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1 study that he's being asked about, specific
2 questions about the data. That's all. And
3 just give him a moment and he's happy to
4 answer your questions. But we just need to
5 get the study in front of him.
6 BY MS. DAVIDSON:
7 Q. Dr. Clarke-Pearson, do you know
8 whether -- what are you looking at right now?
9 A. I'm looking at the paper trying to
10 find --
11 Q. Which paper?
12 A. -- the information that you're asking
13 me about with regard --
14 Q. Which paper?
15 A. -- to utilization.
16 What's that?
17 Q. Which paper are you looking at?
18 A. The Wu paper. That's what we're
19 talking about, isn't it?
20 Q. Because we're doing this by video, I'd
21 appreciate it if you let me know when you're
22 looking at something that isn't up on the screen.
23 A. Oh, certainly. This is Wu 2015.
24 Q. Do you have an --
25 A. You want to put it up on the screen for

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1 me? I'd be happy to --
2 Q. Do you have notes on Wu 2015?
3 A. No, I don't.
4 Q. Okay. Do you know whether --
5 A. 2009.
6 Q. Do you know whether Wu provided --
7 there's a lot of movement in the room.
8 A. I'm being handed a copy of the paper
9 you want to talk about, which is 2009.
10 Q. Dr. Clarke-Pearson, do you know whether
11 Wu 2009 provided data from multiple time periods of
12 use?
13 A. I don't recall.
14 Q. Do you know whether they provided data
15 for multiple frequencies of use?
16 A. I'm looking at a table that says yes.
17 Be happy to look at that table with you if you
18 like.
19 Q. Dr. Clarke-Pearson, if somebody uses a
20 product ten times per month or more, how many days
21 per week is that?
22 A. You're averaging this out, so that
23 would be probably on average three days per week.
24 Q. So that would be more than two days;
25 right?

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1 A. Yes.
2 Q. So if the Wu study had provided data
3 for use ten times per month, that would have
4 satisfied the Woolen criteria of more than two
5 times per week; correct?
6 MS. O'DELL: Object to form.
7 THE WITNESS: I think we just averaged
8 that out. So 10 times per month, so 10 --
9 10 out of 30, let's call a month 30 days, so
10 that's one out of three days. So that would
11 be two or three times per week.
12 BY MS. DAVIDSON:
13 Q. So if Wu had reported data for use ten
14 times or more per month, that would have satisfied
15 the frequent definition used by Woolen; correct?
16 MS. O'DELL: Objection. Form.
17 THE WITNESS: I believe it would.
18 BY MS. DAVIDSON:
19 Q. But Woolen only used the data for 30
20 times or more per month; correct?
21 A. That's what I think I recall from
22 the -- the table you had up earlier.
23 Q. We can put Table 2 back up. Do you
24 know why Woolen would have used data for 30 times
25 per month as opposed to data for 10 times per

<p style="text-align: right;">Page 154</p> <p>1 month?</p> <p>2 A. I can only speculate as to what</p> <p>3 Dr. Woolen was thinking. Maybe ten times per month</p> <p>4 didn't satisfy her criteria for greater than two</p> <p>5 times per month -- or per week.</p> <p>6 Q. But we've just done the math and ten</p> <p>7 times per month is more than two times per week;</p> <p>8 correct?</p> <p>9 MS. O'DELL: Object to form.</p> <p>10 THE WITNESS: That's on average.</p> <p>11 BY MS. DAVIDSON:</p> <p>12 Q. Just the same way that 30 times per</p> <p>13 month on average is once a day; correct?</p> <p>14 A. That's correct.</p> <p>15 Q. Okay. Let's move on.</p> <p>16 Do you know how Woolen came to the</p> <p>17 conclusion that two times a week reflects frequent</p> <p>18 use?</p> <p>19 A. No, I don't.</p> <p>20 Q. Are you aware that in</p> <p>21 Dr. Smith-Bindman's expert report she also defined</p> <p>22 regular use, and she defined that as three times</p> <p>23 per week?</p> <p>24 MS. O'DELL: Object to form.</p> <p>25 THE WITNESS: You called it -- I'm</p>	<p style="text-align: right;">Page 156</p> <p>1 tool, if you will, that biostatisticians use. In</p> <p>2 general, my general view is that it sort of talks</p> <p>3 about the strength of a study. It grades the</p> <p>4 strength of a study. So as you'll see in the far</p> <p>5 left hand, there's a column there that has a total</p> <p>6 score, but that's about as much as I can tell you.</p> <p>7 Q. Do you recall any other publication</p> <p>8 that you've reviewed for purposes of this</p> <p>9 litigation that uses the Newcastle Ottawa score --</p> <p>10 scale?</p> <p>11 A. Can I check on one?</p> <p>12 Q. Sure. Which one are you checking on?</p> <p>13 A. I'm looking at Lynch.</p> <p>14 That may not be correct. So I'm not</p> <p>15 aware of the studies that have used that.</p> <p>16 Q. Sorry. I didn't mean to interrupt you.</p> <p>17 Sometimes it's hard to tell when you're done.</p> <p>18 A. I understand. I'm not aware of other</p> <p>19 studies that have used the Newcastle scale, but ...</p> <p>20 Q. Do you recall a meta-analysis called</p> <p>21 Taher?</p> <p>22 A. Maher?</p> <p>23 Q. Taher.</p> <p>24 A. Taher, yes.</p> <p>25 Q. Do you recall whether they used the</p>
<p style="text-align: right;">Page 155</p> <p>1 sorry, I don't recall. She called it what</p> <p>2 did you say?</p> <p>3 BY MS. DAVIDSON:</p> <p>4 Q. Are you aware that Dr. Smith-Bindman's</p> <p>5 meta-analysis for the litigation was based on</p> <p>6 defined regular use as three times per week?</p> <p>7 MS. O'DELL: Objection.</p> <p>8 THE WITNESS: I think I already</p> <p>9 indicated I hadn't read her report, so I</p> <p>10 don't recall that.</p> <p>11 BY MS. DAVIDSON:</p> <p>12 Q. And, therefore, you also don't know why</p> <p>13 she changed her exposure metric from three times</p> <p>14 per week to two times per week; correct?</p> <p>15 MS. O'DELL: Objection to form.</p> <p>16 THE WITNESS: So you're saying Woolen</p> <p>17 paper because Ms. Bindman is a co-author had</p> <p>18 something to do with the definition. I</p> <p>19 don't have any opinion about that. I'm</p> <p>20 speculating.</p> <p>21 BY MS. DAVIDSON:</p> <p>22 Q. Let me ask you another question. If we</p> <p>23 could look at Table 1 of Woolen 2022. Do you know</p> <p>24 what the Newcastle Ottawa scale is?</p> <p>25 A. Only vaguely. This is a metric, a</p>	<p style="text-align: right;">Page 157</p> <p>1 Newcastle Ottawa scale?</p> <p>2 A. That's a memory test. I don't recall.</p> <p>3 MS. DAVIDSON: Asher, why don't we put</p> <p>4 that up on the screen. Wait a minute. Let</p> <p>5 me just look at my numbers. I believe Taher</p> <p>6 or Taher, I have no idea how to pronounce</p> <p>7 it, would be Exhibit 14.</p> <p>8 (Exhibit 14 marked for identification.)</p> <p>9 BY MS. DAVIDSON:</p> <p>10 Q. So we're marking as Exhibit 14 --</p> <p>11 A. Did you get it for me, Margaret?</p> <p>12 MS. O'DELL: Give me a moment, Jessica,</p> <p>13 to put the Taher paper in front of him.</p> <p>14 Obviously, he was examined on the Taher</p> <p>15 paper during his 2019 deposition and -- at</p> <p>16 least and possibly the 2021 deposition.</p> <p>17 MS. DAVIDSON: Asher, can you put the</p> <p>18 Taher paper up or is this the Taher paper</p> <p>19 that's up?</p> <p>20 MR. TRANGLE: This is it.</p> <p>21 BY MS. DAVIDSON:</p> <p>22 Q. Can you turn to page 1 just so we have</p> <p>23 it in the record and then you can go back to that.</p> <p>24 Taher, "Critical review of the association between</p> <p>25 perineal use of talcum powder and risk of ovarian</p>

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1 cancer." It's a meta-analysis. Do you recall this
 2 paper?
 3 A. I do.
 4 Q. Okay. This is Exhibit 14. And if we
 5 could turn to page 90. It says, "The quality of
 6 included studies was assessed using the Newcastle
 7 Ottawa scale."
 8 Does that refresh your recollection?
 9 A. Yes. Yes.
 10 Q. Have you -- I take it since you did not
 11 recall this that you have not compared the Woolen
 12 papers scores for the underlying studies with the
 13 Taher papers scores for the underlying studies; is
 14 that correct?
 15 A. That's correct. I have not compared.
 16 Q. Would it surprise you to know that the
 17 Woolen paper rated every single component
 18 case-control study higher on the Newcastle Ottawa
 19 scale than Taher did?
 20 A. I don't know if there's anything that
 21 surprises me. I mean, there's differences of
 22 opinion about quality which are -- which are not
 23 quantitative but qualitative evaluations of papers.
 24 Q. Do you know why Woolen would have
 25 scored every single study higher than Taher did?

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1 MS. O'DELL: Objection to the form.
 2 THE WITNESS: I don't know. I'd only
 3 be conjecting -- only be guessing.
 4 BY MS. DAVIDSON:
 5 Q. And so do you know -- do you know how
 6 many of the nine case-control studies listed here
 7 were rated higher by Woolen than by Taher?
 8 MS. O'DELL: Object to form.
 9 THE WITNESS: I don't know. I'd have
 10 to put the two studies side by side.
 11 BY MS. DAVIDSON:
 12 Q. Do you recall that Taher said that
 13 these case-control studies provided only a week
 14 evidence?
 15 MS. O'DELL: Object to form.
 16 MS. DAVIDSON: If we could turn to
 17 that, Asher.
 18 BY MS. DAVIDSON:
 19 Q. Can you read the sentence that Asher
 20 has highlighted in yellow from Taher?
 21 A. Sure. "Using GRADEpro for the
 22 assessment, the certainty of the evidence was
 23 classified as very low."
 24 Q. Did Woolen agree with that in her
 25 paper?

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1 MS. O'DELL: Object to the form.
 2 BY MS. DAVIDSON:
 3 Q. In their paper, in the Smith paper?
 4 A. I don't know if she commented on it.
 5 I'm not sure what GRADEpro is.
 6 Q. Got it. So you disagree with Taher
 7 that the certainty of the evidence is very low?
 8 MS. O'DELL: Object to the form.
 9 THE WITNESS: That's what he says. I
 10 don't -- I don't agree or disagree.
 11 BY MS. DAVIDSON:
 12 Q. Okay. If Woolen had used all women
 13 from NHS1 instead of the just patent women, do you
 14 know if it would have affected the results of the
 15 paper?
 16 A. I'm not aware of that data, so I don't
 17 know how it would have affected the results.
 18 Q. What's the typical age when a woman
 19 gets a tubal ligation?
 20 A. Typical age. Well, once she's decided
 21 she doesn't want to have any more children, one. I
 22 would have to -- I don't know the data. From my
 23 experience as a gynecologist, I would say somewhere
 24 between 35 and 40.
 25 Q. And do you know what the typical age is

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1 when women start using talc?
 2 A. My understanding, in the teenage years
 3 once they start having periods.
 4 Q. So if you are only looking at patent
 5 women, you're probably excluding a lot of women who
 6 could have used talc for upwards of a decade or
 7 two; correct?
 8 MS. O'DELL: Objection to form.
 9 THE WITNESS: Yes.
 10 BY MS. DAVIDSON:
 11 Q. And just to be clear, you would be
 12 excluding women who could have used talc for a
 13 decade or two before their tubal ligation; right?
 14 A. Yes. From the time of their teenage
 15 years until whenever they had their tubes tied.
 16 Q. Okay. If we could go back to the Wu
 17 paper.
 18 A. I'm sorry, the Wu paper?
 19 Q. Uh-huh. We were talking about -- on
 20 the Wu paper, if we could go to Table 3.
 21 A. Oh, I'm sorry, one second.
 22 Q. Table 2, sorry. Table 2 of the Wu
 23 paper --
 24 A. Yes.
 25 Q. -- which we're going to mark as

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1 Exhibit 15 because I never marked Wu.
2 (Exhibit 15 marked for identification.)
3 For women who used talc greater than 10
4 but less than 30 times a month, is the
5 statistical -- is the association identified by Wu
6 statistically significant?
7 MS. O'DELL: Objection, form. 20
8 years, greater than 10, less than 30 times a
9 month, is that the line? Thank you.
10 THE WITNESS: I'm sorry. Your question
11 was was that statistically significant?
12 BY MS. DAVIDSON:
13 Q. Correct.
14 A. And the answer is, no, it overlaps one.
15 Q. Of all the associations listed here for
16 different periods of use, how many are
17 statistically significant?
18 A. So greater than 20 years and greater
19 than 30 times per month is statistically
20 significant.
21 Q. So only one is statistically
22 significant; correct?
23 A. If you go up to --
24 Q. I just mean in this section. In this
25 section that looks at frequency and duration.

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1 A. Just frequency and duration, not the
2 lines above it?
3 Q. Correct.
4 A. Yes. Then that's -- one second. Well,
5 then if you go down, they're statistically
6 significant increased greater than 200 times per
7 month -- or per year.
8 Q. I'm looking at --
9 MS. O'DELL: Please don't interrupt.
10 Jessica, it may be difficult to understand
11 Doctor. If you're not hearing him, let us
12 know, but he wasn't finished with his
13 answer. And if you'd kindly let him finish,
14 I think the record will be clear.
15 BY MS. DAVIDSON:
16 Q. Dr. Clarke-Pearson, I'm just talking
17 about the subsection that says frequency and
18 duration of talc use, not total times. If you just
19 look at the subsection entitled "frequency and
20 duration of talc use," there are one, two, three,
21 four, five -- there are six point estimates there;
22 correct?
23 A. Yes.
24 Q. And one, two -- and four of those six
25 involve use of at least two times per week because

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1 four of those six involve use of greater than ten
2 times per month: The second one, the third one,
3 the fifth one, and the sixth one. There are --
4 yeah, Asher, it would be great if you highlight
5 them. So --
6 MS. O'DELL: Finished with your
7 question?
8 MS. DAVIDSON: Yeah, okay.
9 MS. O'DELL: Object to form.
10 BY MS. DAVIDSON:
11 Q. So if you see the four that are
12 highlighted, we've highlighted the four point
13 estimates from Wu that involve use on average of
14 more than two days per week; correct?
15 A. Yes.
16 Q. And of those four, only one is
17 statistically significant; correct?
18 A. Yes.
19 Q. And of those four, the one with the
20 highest relative risk is the one that was used by
21 Woolen in her paper; correct?
22 A. I believe so.
23 Q. Okay. Thank you. You can take that
24 down.
25 Is there a scientific definition for

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1 frequent use of talc?
2 MS. O'DELL: Objection to form.
3 Asher, if you would please put Wu in
4 the chat, I would appreciate it. Thank you.
5 THE WITNESS: To answer your question,
6 Ms. Davidson, I'm not aware of any specific
7 definition of what was -- I'm sorry, what
8 was your term, "frequent use"?
9 BY MS. DAVIDSON:
10 Q. Yeah. That was a subjective decision
11 by the authors how to define frequent use; correct?
12 MS. O'DELL: Objection.
13 THE WITNESS: Yes, I have no problem
14 with that at all.
15 BY MS. DAVIDSON:
16 Q. I'm just asking you, was that a
17 subjective decision by the authors?
18 I'm not asking whether you had a
19 problem with it.
20 MS. O'DELL: Objection to form.
21 THE WITNESS: Yes, that's a decision by
22 the authors.
23 BY MS. DAVIDSON:
24 Q. Thank you. And nowhere in their paper
25 do they explain how they came to that decision;

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1 correct?

2 A. Not that I'm aware of. A reviewer

3 might have asked them to do that if they felt that

4 was important.

5 Q. Do you know how much the sample size

6 would have increased if the authors had not limited

7 the NHS1 data to patent women?

8 A. No, I don't.

9 Q. Do you know if it would have doubled?

10 A. I don't know.

11 Q. Do you know if it would have tripled?

12 MS. O'DELL: Doctor, just let us know

13 when you get --

14 THE WITNESS: I would have to go back

15 to the original O'Brien paper to answer your

16 question.

17 BY MS. DAVIDSON:

18 Q. What's NCI PDQ?

19 A. What is it?

20 Q. Uh-huh.

21 A. It's a publication that the NCI puts

22 out for information, as my recollection is they

23 have a version for lay people and a version for

24 physicians.

25 Q. Do you know if the NCI -- when is the

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1 last time you looked at the NCI PDQ?

2 A. Probably whichever.

3 Q. When is the last time you looked at NCI

4 PDQ with respect to ovarian cancer?

5 A. Yesterday.

6 Q. Do you recall whether it addresses

7 Woolen?

8 A. I would have to look and see. They

9 have references. It's not all-inclusive.

10 Q. But you don't recall even though you

11 looked at it yesterday whether it addresses Woolen?

12 A. So it has 14 references, and Woolen is

13 not in there, no. It didn't cite Penocolappy there

14 either, so --

15 Q. I'm confused. Dr. Clarke-Pearson,

16 because this deposition is on Zoom, I've asked you

17 multiple times, I'm asking you again, if you are

18 looking at a document that is not up on the screen,

19 you need to let me know.

20 A. I wasn't aware that was a rule. I've

21 got --

22 Q. I asked you before.

23 A. I'm sorry, I missed it.

24 BY MS. DAVIDSON:

25 Q. Are you looking at a document now --

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1 are you looking at a document now to respond to my

2 question?

3 MS. O'DELL: Just a moment, please.

4 Dr. Clarke-Pearson is free to look at what

5 he would like to to respond to the

6 questions.

7 MS. DAVIDSON: And I'm free to know

8 what he is looking at.

9 MS. O'DELL: And he's telling you,

10 Jessica.

11 MS. DAVIDSON: He didn't -- I didn't --

12 MS. O'DELL: Excuse me, number one,

13 please don't interrupt me. Number two,

14 please be respectful of Dr. Clarke-Pearson

15 who has been most courteous despite the tone

16 of your questions. So let's just proceed.

17 If you've got a question about -- he's here

18 and available to answer them.

19 MS. DAVIDSON: Thank you, Leigh, for

20 your colloquy.

21 MS. O'DELL: You're welcome.

22 BY MS. DAVIDSON:

23 Q. Dr. Clarke-Pearson, I was asking you

24 whether the NCI PDQ references Woolen, and it

25 sounded like you were looking at something. What

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1 were you looking at?

2 A. I'll hold it up in front of the screen

3 for you. It's the NCI PDQ.

4 Q. Okay. And is that the version you

5 looked at yesterday?

6 A. Yes.

7 Q. Okay. Can we mark as Tab 10 the NCI --

8 I'm sorry, as Exhibit 16 the NCI PDQ on ovarian

9 cancer?

10 (Exhibit 16 marked for identification.)

11 MS. DAVIDSON: Can you go to the top,

12 please, Asher.

13 BY MS. DAVIDSON:

14 Q. Dr. Clarke-Pearson, is this the same

15 NCI PDQ document that you looked at yesterday?

16 A. I believe it is. At the top of mine,

17 it says October 4, 2023.

18 Q. Okay. If we could move down to where

19 it references, ours is October 16, 2023. So is

20 that different from the one you looked at?

21 MS. O'DELL: Is that on page 27, Asher,

22 just so we can follow along?

23 MS. DAVIDSON: I can't hear you, Leigh.

24 MS. O'DELL: Is that on page 22 -- or

25 27 so we can follow along with where you

<p style="text-align: right;">Page 170</p> <p>1 are.</p> <p>2 MS. DAVIDSON: I'm trying to determine</p> <p>3 if Dr. Clarke-Pearson is looking at the same</p> <p>4 document that's on the screen. Do we know</p> <p>5 the answer to that?</p> <p>6 MS. O'DELL: He can answer. I believe</p> <p>7 that to be the case. But he's got it in</p> <p>8 front of him.</p> <p>9 THE WITNESS: Everything I see so far</p> <p>10 looks like what I have in front of me.</p> <p>11 BY MS. DAVIDSON:</p> <p>12 Q. Okay. If we could go to the sentence</p> <p>13 that begins the meta-analysis.</p> <p>14 Asher, are you going to use your new</p> <p>15 highlighting skills?</p> <p>16 "A meta-analysis of ten case-control</p> <p>17 studies," can you highlight that, Asher? It</p> <p>18 disappeared. I don't know what happened.</p> <p>19 Technical glitch.</p> <p>20 MR. TRANGLE: I can't highlight it.</p> <p>21 It's like a printed document.</p> <p>22 BY MS. DAVIDSON:</p> <p>23 Q. Just point to where the sentence is.</p> <p>24 You see where it says, "A meta-analysis</p> <p>25 of ten case-control studies in a highly selected</p>	<p style="text-align: right;">Page 172</p> <p>1 Q. Followed by footnote 10?</p> <p>2 A. 10, uh-huh.</p> <p>3 Q. What does footnote 10 refer to?</p> <p>4 A. You'll have to show me.</p> <p>5 Q. Oh, okay.</p> <p>6 A. I would presume it's Woolen, but I'm</p> <p>7 not sure.</p> <p>8 Q. That is correct. Does this change your</p> <p>9 testimony as to whether the NCI PDQ addresses</p> <p>10 Woolen?</p> <p>11 A. Yes, it changes my testimony. This PDQ</p> <p>12 version does include Woolen.</p> <p>13 Q. And the one you looked at yesterday</p> <p>14 does not?</p> <p>15 A. Apparently not.</p> <p>16 Q. Can you look at footnote 10 of the one</p> <p>17 you looked at yesterday and tell me if it addresses</p> <p>18 Woolen?</p> <p>19 A. I'm sorry. Ask the question again.</p> <p>20 Q. Can you look at the hard copy of the</p> <p>21 one you looked at yesterday and see if there was a</p> <p>22 footnote 10 addressing Woolen?</p> <p>23 A. Actually, it is here. I'm sorry.</p> <p>24 Q. Okay. So we are looking at the same</p> <p>25 one and there was just a mistake?</p>
<p style="text-align: right;">Page 171</p> <p>1 subset analysis of one prospective cohort study</p> <p>2 found in association among women who use perineal</p> <p>3 talc at least twice a week." And then it's</p> <p>4 followed by footnote 10?</p> <p>5 Do you see that on the screen, Doctor?</p> <p>6 I think it would be easier if you looked on the</p> <p>7 screen.</p> <p>8 A. Okay. I'll look at the screen. So a</p> <p>9 meta-analysis 16 study --</p> <p>10 Q. No. The third sentence of that</p> <p>11 paragraph.</p> <p>12 A. The -- show me which sentence.</p> <p>13 MS. DAVIDSON: Right there, Asher.</p> <p>14 Asher, there is a way to highlight something</p> <p>15 like this. Please on our next break ask</p> <p>16 someone.</p> <p>17 THE WITNESS: A meta-analysis of ten</p> <p>18 case-control studies, is that where you are?</p> <p>19 BY MS. DAVIDSON:</p> <p>20 Q. Uh-huh.</p> <p>21 A. I see the arrow now. "And a highly</p> <p>22 selected subset analysis of one prospective cohort</p> <p>23 study found an association, operation 1.4 to 7</p> <p>24 statistically significant by a woman who used</p> <p>25 perineal talc at least twice a week."</p>	<p style="text-align: right;">Page 173</p> <p>1 A. Yes. My oversight.</p> <p>2 Q. Okay. Let's go back to the top where</p> <p>3 we were talking about Woolen.</p> <p>4 "The authors refer to a highly</p> <p>5 selective subset analysis of one prospective cohort</p> <p>6 study."</p> <p>7 What are they referring to there?</p> <p>8 A. Once again, they're talking about</p> <p>9 Woolen.</p> <p>10 Q. When the authors say "a highly selected</p> <p>11 subset of one prospective cohort study," what does</p> <p>12 that refer to?</p> <p>13 A. That's the interpretation of whoever</p> <p>14 wrote this PDQ.</p> <p>15 Q. It says, "A meta-analysis of ten</p> <p>16 case-control studies and a highly selected subset</p> <p>17 analysis of one prospective cohort study."</p> <p>18 What does that phrase "a highly</p> <p>19 selected subset analysis of one prospective cohort</p> <p>20 study" refer to?</p> <p>21 A. Refers to Woolen, just like I said.</p> <p>22 Q. Woolen is the highly selected subset</p> <p>23 analysis of one prospective cohort study?</p> <p>24 MS. O'DELL: Objection to form.</p> <p>25 THE WITNESS: Yes, because the</p>

<p style="text-align: right;">Page 174</p> <p>1 meta-analysis, the ten case-control studies</p> <p>2 wouldn't include Woolen because Woolen</p> <p>3 doesn't include only case-control study, it</p> <p>4 includes the cohort study as well.</p> <p>5 BY MS. DAVIDSON:</p> <p>6 Q. Which prospective cohort study is this</p> <p>7 phrase referring to?</p> <p>8 A. Prospective cohort study would be the</p> <p>9 data from O'Brien that's included in the Woolen</p> <p>10 study.</p> <p>11 Q. Why does NCI state that it's a highly</p> <p>12 selected subset analysis?</p> <p>13 A. I'm not sure why they use those terms.</p> <p>14 It's a subset analysis that's been performed. It</p> <p>15 went through a peer-reviewed process. It was</p> <p>16 published in a reputable journal.</p> <p>17 Q. The authors go on to state, "The subset</p> <p>18 analysis of the prospective study was inconsistent</p> <p>19 with the main findings of the original report."</p> <p>20 Do you see that sentence?</p> <p>21 A. Yes.</p> <p>22 Q. What does that refer to?</p> <p>23 A. It was referring back to whatever</p> <p>24 number 11 is, which is the O'Brien study --</p> <p>25 Q. Can we go back up, Asher.</p>	<p style="text-align: right;">Page 176</p> <p>1 submitted to Woolen data from the original nurse's</p> <p>2 health study that specifically addressed frequency</p> <p>3 of use in patients with patent tubes. So it's not</p> <p>4 inconsistent, it's just different.</p> <p>5 Q. The author says it's inconsistent with</p> <p>6 the main findings of the original report. What</p> <p>7 were the main findings of O'Brien 2020?</p> <p>8 MS. O'DELL: Objection.</p> <p>9 THE WITNESS: I'd have to look at</p> <p>10 O'Brien 2020, but I think there was an</p> <p>11 increased risk of talcum powder -- increased</p> <p>12 risk of ovarian cancer in patients that used</p> <p>13 talcum powder that had patent tubes.</p> <p>14 BY MS. DAVIDSON:</p> <p>15 Q. Was that the main finding of the</p> <p>16 report?</p> <p>17 MS. O'DELL: Objection to form.</p> <p>18 THE WITNESS: That's my recollection.</p> <p>19 BY MS. DAVIDSON:</p> <p>20 Q. "Because of the structure of this</p> <p>21 analysis, the results should be interpreted with</p> <p>22 care." What do the authors mean by that?</p> <p>23 A. I think all interpretations should be</p> <p>24 undertaken with care. They're just advising take a</p> <p>25 look at it.</p>
<p style="text-align: right;">Page 175</p> <p>1 A. -- in 2020.</p> <p>2 Q. So what do the authors mean by --</p> <p>3 MS. DAVIDSON: Asher, something weird</p> <p>4 has happened. Can you go back to the paragraph we</p> <p>5 were on?</p> <p>6 BY MS. DAVIDSON:</p> <p>7 Q. What did the authors mean when they</p> <p>8 say, "the subset analysis of the prospective study</p> <p>9 was inconsistent with the main findings of the</p> <p>10 original report"?</p> <p>11 A. The data that's in the -- in Woolen is</p> <p>12 different than the data that was in the original</p> <p>13 O'Brien. So 10 has different data than 11, those</p> <p>14 references.</p> <p>15 Q. And what is inconsistent?</p> <p>16 MS. O'DELL: Objection to form.</p> <p>17 THE WITNESS: I'm sorry, what did what</p> <p>18 consist of?</p> <p>19 BY MS. DAVIDSON:</p> <p>20 Q. What do the authors mean? Can you tell</p> <p>21 me what's inconsistent? How is the subset analysis</p> <p>22 inconsistent with the main findings of O'Brien?</p> <p>23 A. Well, that's the authors'</p> <p>24 interpretation. I wouldn't say it's inconsistent.</p> <p>25 They are two different data sets. And O'Brien</p>	<p style="text-align: right;">Page 177</p> <p>1 Q. Based on this discussion, has Woolen</p> <p>2 changed the NCI PDQ's views about the potential</p> <p>3 relationship between talc and ovarian cancer?</p> <p>4 A. Apparently, it hasn't changed NIH's NCI</p> <p>5 view. Clearly, it's an incomplete analysis by NIH.</p> <p>6 They have many references that are missing. They</p> <p>7 didn't do their own meta-analysis of their own</p> <p>8 evaluation. They're citing some papers in a</p> <p>9 meta-analysis.</p> <p>10 Q. Have you ever reached out to NCI or NIH</p> <p>11 to share your views about talc and ovarian cancer?</p> <p>12 A. No, I have not.</p> <p>13 Q. Have you ever reached out to O'Brien or</p> <p>14 Wentzensen to share your views about talc or</p> <p>15 ovarian cancer?</p> <p>16 A. No.</p> <p>17 Q. Do you have any reason to doubt the</p> <p>18 ability of O'Brien and Wentzensen as scientists or</p> <p>19 epidemiologists?</p> <p>20 MS. O'DELL: Object to the form.</p> <p>21 THE WITNESS: I think there's a number</p> <p>22 of comments that have been published in a</p> <p>23 letter to the editor outlining a number of</p> <p>24 criticisms about that publication.</p> <p>25 BY MS. DAVIDSON:</p>

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1 Q. Have any of the letters that have been
2 published criticizing O'Brien and Wentzensen been
3 written by someone who is not a plaintiffs' expert
4 in the litigation?
5 MS. O'DELL: Object to the form.
6 THE WITNESS: I know that Dr. Cramer
7 who's a plaintiffs' expert has written a
8 fairly lengthy letter to the editor that
9 outlines a number of issues that he would
10 contend are incorrect and should be changed
11 and altered in the interpretation. I think
12 there are other authors that have authored
13 other papers. I'm not aware of their names
14 and whether they're involved with
15 plaintiffs' legal actions or not.
16 BY MS. DAVIDSON:
17 Q. Would it surprise you to know that
18 nobody has written a letter to the editor with
19 respect to O'Brien and Wentzensen who is not a
20 plaintiffs' expert in this litigation?
21 MS. O'DELL: Objection. Asked and
22 answered.
23 THE WITNESS: I would just have to see
24 all the letters.
25 BY MS. DAVIDSON:

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1 Q. I see. Are you aware sitting here
2 today of anybody who's not a plaintiffs' expert in
3 the litigation who has written a letter with
4 respect to O'Brien or Wentzensen's publications?
5 MS. O'DELL: Object to form. He stated
6 he doesn't know who's written the letter or
7 whether they're in litigation or not.
8 MS. DAVIDSON: Leigh, you have just
9 coached the witness. I appreciate it. I'm
10 sure the witness appreciates it. Please
11 stop doing it.
12 BY MS. DAVIDSON:
13 Q. Dr. Clarke-Pearson, sitting here today,
14 are you aware of anyone who is not an expert for
15 plaintiffs in talc litigation who has written any
16 letters involving any publications about talc by
17 O'Brien and Wentzensen?
18 MS. O'DELL: Objection to form.
19 THE WITNESS: As I said before, I would
20 have to go back and look at what's been
21 published in letter to the editor before I
22 could answer your question.
23 BY MS. DAVIDSON:
24 Q. Do you have any views about Dr. O'Brien
25 or Dr. Wentzensen's abilities as a scientist?

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1 A. As scientist, I think none of us are
2 perfect.
3 Q. Hmm?
4 A. I said none of us are perfect. And I'm
5 sure they're not either.
6 Q. Do you know anything about either
7 Dr. O'Brien or Dr. Wentzensen's professional
8 reputation?
9 A. I don't. I think I said already I
10 didn't know anything about them.
11 Q. Are you aware that a federal court
12 excluded Dr. Smith-Bindman's meta-analysis in a
13 talc case -- that a state court excluded
14 Dr. Smith-Bindman's meta-analysis in a talc case?
15 MS. O'DELL: Objection.
16 THE WITNESS: I was not aware of that,
17 no.
18 BY MS. DAVIDSON:
19 Q. Since you're not aware of that, I take
20 it you didn't review that opinion?
21 MS. O'DELL: Object to the form.
22 THE WITNESS: I didn't know there was
23 an opinion.
24 BY MS. DAVIDSON:
25 Q. Are you familiar with Dr. McTiernan?

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1 A. Yes.
2 Q. Who's she?
3 A. She is an epidemiologist.
4 Q. Does your view that no scientist is
5 perfect extend to Dr. Saed and Dr. Smith-Bindman as
6 well?
7 MS. O'DELL: I'm sorry, I didn't hear
8 that question. Would you please repeat it?
9 MS. DAVIDSON: Court reporter.
10 (The reporter read back the last question.)
11 THE WITNESS: Yes, I just said that all
12 of us -- none of us are perfect.
13 BY MS. DAVIDSON:
14 Q. Can you point to any flaws in
15 Dr. Saed's paper, Harper 2023?
16 A. Can I point to any what?
17 Q. Flaws.
18 MS. O'DELL: Object to form.
19 THE WITNESS: Flaws?
20 BY MS. DAVIDSON:
21 Q. Uh-huh.
22 A. Not at this point in time, no.
23 Q. Can you point to any flaws in Woolen?
24 MS. O'DELL: Object to form.
25 THE WITNESS: No. There are

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1 limitations that are cited by the authors in
2 their papers. I don't call those flaws.
3 BY MS. DAVIDSON:
4 Q. You included a forest plot in your
5 amended expert report; is that correct?
6 A. I did.
7 Q. How did you get that forest plot?
8 A. It was supplied by Dr. McTiernan. It
9 was an updated forest plot similar to, but updated
10 from the one I've used in a previous report.
11 Q. Who provided it to you?
12 A. My attorney.
13 Q. Did you independently examine the
14 forest plot for accuracy before putting it in your
15 report?
16 A. I reviewed it. I didn't go case by --
17 paper by paper to relook at the numbers.
18 Q. Did you check if it was missing any
19 studies?
20 A. I'm sorry?
21 Q. Did you check if it was missing any
22 studies?
23 A. I think at the date and time when I
24 received it, which I don't recall exactly, I
25 thought it was up to date.

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1 Q. Are you aware that a federal court
2 excluded Dr. McTiernan's opinions as unreliable in
3 the Zantac litigation?
4 MS. O'DELL: Object to form.
5 THE WITNESS: No, I wasn't.
6 BY MS. DAVIDSON:
7 Q. Are you aware that Dr. McTiernan has
8 testified that she followed the same scientific
9 methodology in Zantac as she did in talc?
10 MS. O'DELL: Object to the form.
11 THE WITNESS: I'm not aware of her
12 testimony.
13 BY MS. DAVIDSON:
14 Q. Are you aware of any independent
15 scientists not retained by plaintiffs in this
16 litigation who has concluded that talc use causes
17 ovarian cancer?
18 A. I'm sorry, who?
19 Q. Are you aware of any independent
20 scientists not retained by plaintiffs in this
21 litigation who has concluded that talc use causes
22 ovarian cancer?
23 A. Well, we can look at the forest plot
24 you're looking at right here and see a number of
25 the case-control studies that are all -- that are

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1 statistically significant. Those, as I believe,
2 are all independent scientists that have published
3 those case-control studies. And then we can go on
4 down to the meta-analysis, all of which are
5 statistically significant. I'm not aware of any of
6 them being plaintiffs, defendants either.
7 Q. Did any of those authors state that
8 their studies -- did any of those authors state in
9 their papers that they've concluded that talc use
10 causes ovarian cancer?
11 A. I think they showed a statistical
12 significant increased risk of developing ovarian
13 cancer because of the use of talcum powder.
14 Q. That was not my question.
15 MS. O'DELL: You cut him off, Jessica.
16 If you could just let him finish, please.
17 BY MS. DAVIDSON:
18 Q. Dr. Clarke-Pearson, can you please
19 answer my question. Are you aware of any
20 independent scientist not retained by plaintiffs in
21 this litigation who has stated that talc use can
22 cause ovarian cancer?
23 MS. O'DELL: Object to the form.
24 THE WITNESS: So the word you're using
25 is cause, is that where we're pivoting?

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1 BY MS. DAVIDSON:
2 Q. Correct.
3 A. I'm not sure -- I would have to reread
4 these papers to know whether they were somehow
5 screening those papers to see whether they use the
6 word "cause." Clearly they come up with a finding
7 that is statistically associated with the
8 development of ovarian cancer which to me means
9 cause.
10 Q. So is it your testimony that anytime
11 there's an association, that means cause?
12 MS. O'DELL: Object to the form.
13 THE WITNESS: No.
14 BY MS. DAVIDSON:
15 Q. I think that's what you just said. You
16 said statistically association which to me means
17 cause; correct?
18 A. I think a lot of people would interpret
19 it as cause.
20 Q. Again, sitting here today, you can't
21 identify a single independent scientist not
22 retained by plaintiffs in this litigation who has
23 stated that talc use causes ovarian cancer;
24 correct?
25 MS. O'DELL: Object to the form.

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1 THE WITNESS: Not that I can recall to
2 answer your question.
3 BY MS. DAVIDSON:
4 Q. Are you aware of any published paper in
5 the scientific literature by an independent
6 scientist who is not a paid expert in this
7 litigation that concludes that talc use causes
8 ovarian cancer?
9 MS. O'DELL: Object to form. Asked and
10 answered. It also retreads ground that was
11 previously covered in prior depositions.
12 And so if you have a question about a
13 specific paper that has been included in
14 Dr. Clarke-Pearson's report since July of
15 2021, you know, then I would ask you to
16 direct your questions to those publications,
17 not a re-review of everything he has looked
18 at over the course of this six-year
19 litigation.
20 MS. DAVIDSON: Leigh, this is an
21 ongoing effort by you to obstruct this
22 deposition.
23 MS. O'DELL: It is not. It is to state
24 my objection on the record.
25 BY MS. DAVIDSON:

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1 Q. I will keep my question.
2 Dr. Clarke-Pearson, sitting here today, are you
3 aware of any published literature -- any published
4 paper in this scientific literature by an
5 independent scientist who is not a paid expert in
6 this litigation that reaches the conclusion that
7 talc use causes ovarian cancer?
8 A. Not aware of that, no.
9 Q. Are you aware of a single scientific
10 body in the United States that has concluded that
11 talc use causes ovarian cancer?
12 A. So a number of scientific bodies have
13 identified asbestos as causing ovarian cancer. We
14 know that asbestos is in ovarian cancer in
15 Johnson's Baby Powder. So in many ways I view baby
16 powder with asbestos as a carcinogen that causes
17 ovarian cancer.
18 Q. Do you have --
19 A. So there are a number of scientific
20 organizations that have identified asbestos as
21 causing ovarian cancer, including IARC, EPA, and
22 others.
23 Q. Are you aware of a single scientific
24 body in the United States that has stated that
25 cosmetic talc use causes ovarian cancer?

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1 MS. O'DELL: Object to the form. Asked
2 and answered.
3 THE WITNESS: I will go to IARC, for
4 one, that says that the source of talc
5 outside of mining and industrial exposure is
6 most likely secondary to cosmetic exposure.
7 BY MS. DAVIDSON:
8 Q. Again, I'm going to ask the question,
9 are you aware of a single scientific body in the
10 United States that has stated that cosmetic talc
11 use causes ovarian cancer?
12 MS. O'DELL: Objection, form. Asked
13 and answered.
14 THE WITNESS: Cosmetic talc Johnson's
15 Baby Powder has asbestos in it. Asbestos
16 causes ovarian cancer. Many organizations
17 at the highest level of our government and
18 scientific community have identified
19 asbestos as causing ovarian cancer.
20 BY MS. DAVIDSON:
21 Q. Can you identify a single scientific
22 body in the United States that has stated cosmetic
23 talc causes ovarian cancer?
24 MS. O'DELL: Objection to form. The
25 question was just asked. Dr. Clarke-Pearson

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1 gave his answer. Dr. Clarke-Pearson, you're
2 welcome to respond again, but if you -- if
3 it's the same answer you've previously
4 given, you can so say that.
5 MS. DAVIDSON: Leigh, you're continuing
6 your pattern of obstructing this deposition
7 and coaching the witness.
8 BY MS. DAVIDSON:
9 Q. Dr. Clarke-Pearson, with all due
10 respect, you are not answering the question I
11 asked.
12 My question is whether there is any
13 United States scientific body -- any scientific
14 body in the United States that has stated that
15 cosmetic talc use causes ovarian cancer?
16 MS. O'DELL: Objection to form. Asked
17 and answered.
18 Please do not badger Dr. Clarke-Pearson
19 or be disrespectful.
20 THE WITNESS: If you're focusing only
21 on the term "talc," then I'm not aware of
22 that. But talc has asbestos in it.
23 BY MS. DAVIDSON:
24 Q. Dr. Clarke-Pearson, do you have an
25 opinion as to what percentage of Johnson's Baby

<p style="text-align: right;">Page 190</p> <p>1 Powder that's been sold in this country contained</p> <p>2 asbestos?</p> <p>3 A. Relying on Dr. Longo's analysis, it's</p> <p>4 more likely than not and in some cases, for example</p> <p>5 Chinese talc, nearly all of it has at least fibrous</p> <p>6 talc, if not other asbestos --</p> <p>7 Q. So it's your opinion --</p> <p>8 A. -- fibers.</p> <p>9 Q. Do you have an opinion as to what</p> <p>10 percentage of Johnson's Baby Powder sold in the</p> <p>11 United States over the last 50 years contains</p> <p>12 asbestos?</p> <p>13 MS. O'DELL: Objection. Asked and</p> <p>14 answered. You may respond.</p> <p>15 THE WITNESS: Dr. Longo's data goes</p> <p>16 back and the sources of talcum powder for</p> <p>17 Johnson's Baby Powder from three different</p> <p>18 sources over three different time periods</p> <p>19 that have different levels of talcum powder</p> <p>20 as I read Dr. Longo's reports, all of which</p> <p>21 are in excess of 50 percent.</p> <p>22 BY MS. DAVIDSON:</p> <p>23 Q. Are all of your opinions about whether</p> <p>24 or not Johnson's Baby Powder contains asbestos</p> <p>25 based on Dr. Longo's report?</p>	<p style="text-align: right;">Page 192</p> <p>1 of asbestos to which a woman is allegedly exposed</p> <p>2 from talcum powder can cause ovarian cancer?</p> <p>3 MS. O'DELL: Objection to form.</p> <p>4 Incomplete hypothetical.</p> <p>5 THE WITNESS: I'm unaware of any</p> <p>6 threshold, if you will, or minimum amount of</p> <p>7 asbestos that would or would not cause</p> <p>8 ovarian cancer.</p> <p>9 BY MS. DAVIDSON:</p> <p>10 Q. Is it your opinion that talcum powder</p> <p>11 that does not contain asbestos causes ovarian</p> <p>12 cancer?</p> <p>13 A. I'm not aware of any talcum powder</p> <p>14 based on the data that I've seen that doesn't</p> <p>15 contain asbestos.</p> <p>16 Q. If a woman were to use cosmetic talc</p> <p>17 that doesn't contain asbestos, would she be at an</p> <p>18 increased of ovarian cancer?</p> <p>19 A. I would think that the evidence shows</p> <p>20 that if you make the hypothetical there's no</p> <p>21 asbestos in it, then the talcum powder and all the</p> <p>22 studies that have been done and, hypothetically,</p> <p>23 that those patients were exposed, those women were</p> <p>24 exposed to talcum powder that didn't have asbestos,</p> <p>25 they still had a higher risk of ovarian cancer</p>
<p style="text-align: right;">Page 191</p> <p>1 A. No. The FDA found asbestos and</p> <p>2 Johnson's Baby Powder brought it off the shelf.</p> <p>3 Q. How many lots of Johnson's Baby Powder</p> <p>4 did the FDA find asbestos in?</p> <p>5 A. I think Johnson & Johnson took one lot</p> <p>6 of 3,000 bottles off the shelf based on the</p> <p>7 analysis.</p> <p>8 Q. FDA found asbestos in one lot of</p> <p>9 Johnson's Baby Powder?</p> <p>10 A. Yes.</p> <p>11 Q. And was that a trace level or a</p> <p>12 subtrace level?</p> <p>13 MS. O'DELL: Object to the form.</p> <p>14 THE WITNESS: I don't know how to</p> <p>15 define a trace level.</p> <p>16 BY MS. DAVIDSON:</p> <p>17 Q. And that's because you're not an expert</p> <p>18 on asbestos; right?</p> <p>19 MS. O'DELL: Objection.</p> <p>20 THE WITNESS: I'm not sure what you</p> <p>21 mean by -- I know what asbestos does to</p> <p>22 women that have ovaries.</p> <p>23 BY MS. DAVIDSON:</p> <p>24 Q. Dr. Clarke-Pearson, can you point me to</p> <p>25 any epidemiological studies showing that the level</p>	<p style="text-align: right;">Page 193</p> <p>1 caused by talcum powder.</p> <p>2 Q. Do you believe that the mechanism by</p> <p>3 which talcum powder can cause ovarian cancer is the</p> <p>4 same for talcum powder that contains asbestos and</p> <p>5 talcum powder that doesn't contain asbestos?</p> <p>6 MS. O'DELL: Objection to the question.</p> <p>7 This is retreading ground that was covered</p> <p>8 in -- I believe it was January or</p> <p>9 February 2019 almost completely, and</p> <p>10 Dr. Clarke-Pearson's already answered the</p> <p>11 questions.</p> <p>12 MS. DAVIDSON: Court reporter, can you</p> <p>13 please repeat the question.</p> <p>14 Doctor, because Ms. O'Dell interrupts</p> <p>15 every questions, it takes twice as long to</p> <p>16 ask every question.</p> <p>17 Court reporter, can you please --</p> <p>18 MS. O'DELL: That's incorrect. But you</p> <p>19 know that. I'm just -- what you stated is</p> <p>20 an error on the record. Please ask your</p> <p>21 question.</p> <p>22 (The reporter read back the last question.)</p> <p>23 THE WITNESS: Yes.</p> <p>24 MS. DAVIDSON: Okay. Let's go off the</p> <p>25 record.</p>

<p style="text-align: right;">Page 194</p> <p>1 (Recess taken from 1:23 p.m. until 1:25 p.m.)</p> <p>2 MS. DAVIDSON: So, number one, the</p> <p>3 Court's order is very clear that case</p> <p>4 specific experts will be deposed for -- I'm</p> <p>5 going to read the order exactly.</p> <p>6 MS. O'DELL: Dr. Clarke-Pearson has</p> <p>7 already been deposed for 14 hours --</p> <p>8 MS. DAVIDSON: Excuse me, you're like</p> <p>9 literally interrupting me. You're literally</p> <p>10 interrupting me.</p> <p>11 MS. O'DELL: -- on his case specific</p> <p>12 opinions and that occurred in August of --</p> <p>13 MS. DAVIDSON: You're interrupting me,</p> <p>14 Leigh. You literally interrupted me</p> <p>15 mid-sentence.</p> <p>16 MS. O'DELL: Well --</p> <p>17 MS. DAVIDSON: According to order, as I</p> <p>18 was saying before I was interrupted,</p> <p>19 depositions of experts who address case</p> <p>20 specific issues for individual plaintiffs in</p> <p>21 addition to providing new or supplemental</p> <p>22 reports on general causation shall be</p> <p>23 limited to a total of one day, seven hours.</p> <p>24 If the expert issues case specific reports</p> <p>25 in three or more cases, in which case the</p>	<p style="text-align: right;">Page 196</p> <p>1 3 hours and 39 minutes, and there's</p> <p>2 21 minutes left.</p> <p>3 MS. DAVIDSON: I understand that you</p> <p>4 have decided not to fulfill the Court's</p> <p>5 order, and that's your prerogative. We will</p> <p>6 take it up with the Court and make very</p> <p>7 clear to the Court that we read the ruling</p> <p>8 into the record and you chose not to follow</p> <p>9 it.</p> <p>10 Leigh, I would also like to raise with</p> <p>11 you before we get into this tomorrow that</p> <p>12 Dr. Moorman, we were never served with her</p> <p>13 2021 report, and so we are entitled to eight</p> <p>14 hours, four hours on her 2021 report and</p> <p>15 four hours on her 2023 report.</p> <p>16 MS. O'DELL: I'm going to let Michelle</p> <p>17 respond to that.</p> <p>18 MS. DAVIDSON: Okay. I'm going to give</p> <p>19 you the heads up now.</p> <p>20 MS. O'DELL: We should be off the</p> <p>21 record, though, for that.</p> <p>22 MS. DAVIDSON: We can go off the</p> <p>23 record.</p> <p>24 MS. O'DELL: Before we do that, I would</p> <p>25 just ask since we are going to stop at four</p>
<p style="text-align: right;">Page 195</p> <p>1 deposition is limited to two days, 14 hours</p> <p>2 of testimony time.</p> <p>3 This order was issued several months</p> <p>4 ago. If you guys choose to be in violation</p> <p>5 of the order, we will take it up with the</p> <p>6 Court. I would also like to point out,</p> <p>7 Leigh --</p> <p>8 MS. O'DELL: Our position is, Jessica,</p> <p>9 just to be clear, we are not in violation of</p> <p>10 the order because Dr. Clarke-Pearson has</p> <p>11 already sat for two days, seven hours each,</p> <p>12 for his case specific opinions. The purpose</p> <p>13 of the deposition today was to examine him</p> <p>14 on any new references or any new -- in his</p> <p>15 report that was served November 2023 or any</p> <p>16 new opinions that he might have. He's been</p> <p>17 available today. That deposition is limited</p> <p>18 to four hours. That's how we understand the</p> <p>19 order and that's how we're proceeding.</p> <p>20 That's how we proceeded previously with</p> <p>21 the depositions of these experts, including</p> <p>22 last week. So I just -- that's our</p> <p>23 position. We can agree to disagree. But</p> <p>24 today just so you're clear and you</p> <p>25 understand, we've been on the record for</p>	<p style="text-align: right;">Page 197</p> <p>1 hours today, can we proceed with the</p> <p>2 remaining 21 minutes --</p> <p>3 MS. DAVIDSON: I need a break.</p> <p>4 MS. O'DELL: -- and then conclude. You</p> <p>5 need a break? You're saying you need a</p> <p>6 break.</p> <p>7 MS. DAVIDSON: I need a break.</p> <p>8 MS. O'DELL: If you cannot continue for</p> <p>9 21 minutes --</p> <p>10 MS. DAVIDSON: I need a break. I can</p> <p>11 cut it short.</p> <p>12 MS. O'DELL: Then we will be available</p> <p>13 in 15 minutes to -- I certainly want you to</p> <p>14 have a break. And then we'll come back in</p> <p>15 15 minutes at 1:30 and you can finish.</p> <p>16 MS. DAVIDSON: It's 1:28. It's 1:28.</p> <p>17 1:30 would be in two minutes.</p> <p>18 MS. O'DELL: I'm sorry. 1:45 is what I</p> <p>19 meant to say.</p> <p>20 (Recess taken from 1:28 p.m. until 1:52 p.m.)</p> <p>21 BY MS. DAVIDSON:</p> <p>22 Q. Dr. Clarke-Pearson, are you familiar</p> <p>23 with talc pleurodesis?</p> <p>24 A. Yes.</p> <p>25 Q. You testified earlier that you believed</p>

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1 that cosmetic talc is virtually all contaminated
2 with asbestos; correct?
3 A. Yes.
4 Q. Is that your opinion about
5 pharmaceutical grade talc as well?
6 A. I don't have an opinion about
7 pharmaceutical grade talc.
8 Q. Have you reviewed the literature on
9 talc pleurodesis?
10 A. No. I have not reviewed the
11 literature. I'm familiar with the technique having
12 used it on patients that I've taken care of.
13 Q. When you used that procedure on
14 patients that you've taken care of, do you believe
15 that you injected asbestos into their lungs?
16 MS. O'DELL: Object to the form.
17 THE WITNESS: I'm not sure what's in
18 the pharmaceutical grade of talc.
19 BY MS. DAVIDSON:
20 Q. Has IARC addressed whether pleurodesis
21 can cause cancer?
22 MS. O'DELL: Objection. Form.
23 THE WITNESS: I'm not familiar that
24 they have. The IARC documents are quite
25 extensive, so I may have missed something.

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1 BY MS. DAVIDSON:
2 Q. Do you know whether pharmaceutical
3 grade talc and cosmetic talc can come from the same
4 mines?
5 A. I don't know.
6 Q. Are you aware that the FDA tested talc
7 in 2010, 2019, 2021, and 2022, and on all of those
8 occasions found no asbestos?
9 MS. O'DELL: Object to the form.
10 THE WITNESS: I was not aware of that,
11 no.
12 BY MS. DAVIDSON:
13 Q. Do you think the FDA was wrong in 2010
14 when it found no asbestos in cosmetic talc?
15 MS. O'DELL: Object to the form.
16 THE WITNESS: I have no opinion about
17 that. I don't know how they -- to what
18 extent they tested it, what techniques they
19 used. I don't know how many samples they
20 tested. So I don't have an opinion about
21 that.
22 BY MS. DAVIDSON:
23 Q. Do you have an opinion -- do you
24 believe the FDA was wrong in 2019 when it tested
25 cosmetic talc and found no asbestos?

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1 MS. DAVIDSON: Objection. Form.
2 THE WITNESS: I can only believe what
3 the FDA reported.
4 BY MS. DAVIDSON:
5 Q. Do you believe the FDA was wrong in
6 2021 when it tested cosmetic talc and found no
7 asbestos?
8 A. I wasn't aware that there was testing
9 at that point in time.
10 Q. Do you believe the FDA was wrong in
11 2022 when it tested cosmetic talc and found no
12 asbestos?
13 MS. O'DELL: Objection. Form.
14 THE WITNESS: Once again, I wasn't
15 aware that they tested in 2022.
16 BY MS. DAVIDSON:
17 Q. Are you surprised that the lawyers
18 didn't provide you with those testing results?
19 MS. O'DELL: Objection. Form.
20 THE WITNESS: I didn't ask for that.
21 No.
22 BY MS. DAVIDSON:
23 Q. Would it have been relevant to your
24 opinion to know that the FDA tested cosmetic talc
25 four times and didn't find asbestos?

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1 MS. O'DELL: Objection to form.
2 THE WITNESS: No.
3 BY MS. DAVIDSON:
4 Q. That wouldn't be relevant to your
5 opinions?
6 A. No.
7 Q. Do Duke and UNC perform pleurodesis?
8 A. Have I asked that to be done on my
9 patients? Yes.
10 Q. Have you ever suggested to Duke or to
11 UNC that they stopped performing pleurodesis
12 because of the risk of injecting asbestos into
13 patients?
14 A. No. Most of my patients that needed
15 pleurodesis were dying of ovarian cancer. I was
16 trying to give them some relief from their
17 respiratory distress.
18 Q. So it wouldn't have mattered to you if
19 that procedure put asbestos into someone's --
20 MS. O'DELL: Objection to form.
21 BY MS. DAVIDSON:
22 Q. -- lungs?
23 A. I knew that their latency -- a latency
24 period for talc and -- could cause cancer was
25 years, and these women had months and days to live.

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1 So, no, I didn't. It wasn't really a
2 consideration.
3 Q. Is it your opinion that pleurodesis
4 would be a proper procedure even if it injected
5 asbestos into people's lungs?
6 MS. O'DELL: Objection to form.
7 THE WITNESS: Depends upon the
8 circumstances.
9 BY MS. DAVIDSON:
10 Q. Have you ever told UNC or Duke that
11 you're concerned that the pleurodesis procedure is
12 injecting asbestos into people's lungs?
13 MS. O'DELL: Object to form.
14 THE WITNESS: I don't know that it's
15 injecting talc -- that the pleurodesis is
16 injecting asbestos into the lungs.
17 BY MS. DAVIDSON:
18 Q. When --
19 A. I don't have any data on that topic.
20 Q. When did you come to the opinion that
21 most talc -- cosmetic talc contains asbestos?
22 MS. O'DELL: Objection. Form.
23 THE WITNESS: When I started seeing
24 Dr. Longo's reports in particular.
25 BY MS. DAVIDSON:

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1 Q. As a scientist, you'd agree that your
2 job is to evaluate all the relevant evidence;
3 right?
4 A. Yes. That's part of the comprehensive
5 differential diagnosis. Go ahead.
6 Q. Are you aware that defendants have an
7 expert named Matt Sanchez from RJ Lee who has
8 rebutted Dr. Longo's reports?
9 MS. O'DELL: Objection to form.
10 THE WITNESS: Not aware -- I have not
11 seen or was not aware of another expert.
12 BY MS. DAVIDSON:
13 Q. Have you asked plaintiffs' lawyers to
14 give you all the relevant evidence about asbestos
15 testing?
16 MS. O'DELL: Objection to form.
17 THE WITNESS: I have not asked for
18 that.
19 BY MS. DAVIDSON:
20 Q. Would it have been relevant to your
21 opinion to review Mr. Sanchez's report --
22 MS. O'DELL: Objection.
23 BY MS. DAVIDSON:
24 Q. -- responding to Mr. Longo's testing
25 for asbestos?

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1 MS. O'DELL: Objection. Form.
2 THE WITNESS: It might have been
3 relevant. I wasn't aware that there was
4 anybody else offering opinions.
5 BY MS. DAVIDSON:
6 Q. You'd agree that if there's other
7 available science refuting Dr. Longo's -- or
8 rebutting Dr. Longo's opinions, that would be
9 relevant for you to review in reaching a conclusion
10 with respect to asbestos and talc; correct?
11 MS. O'DELL: Objection to form.
12 Misstates record.
13 THE WITNESS: Certainly.
14 BY MS. DAVIDSON:
15 Q. Dr. Clarke-Pearson, you attached to
16 your 11/15/2023 expert report an amended list of
17 materials considered; correct?
18 A. Yes.
19 Q. Was that a list you created or did the
20 lawyers create that for you?
21 A. They created it after we collaborated
22 and came up with a list of references that I was
23 using.
24 Q. Did you read all the documents that are
25 listed on that materials reviewed list?

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1 A. I have scanned many of them, looked at
2 their abstracts. Read some of them in quite
3 detail.
4 Q. How did you decide which -- when to
5 just read the abstract and when to read an article
6 in full?
7 MS. O'DELL: Let me just say two things
8 for the record. Jessica, number one, are
9 you asking about the recently added
10 references? Because he's been examined at
11 length about the references that were -- or
12 materials that were included in his list in
13 his November 2018 report.
14 And then second, I want to make sure
15 that you had the updated list of materials
16 that were provided three days before
17 Dr. Clarke-Pearson's deposition.
18 MS. DAVIDSON: I would like to state
19 for the record that this is another example
20 of you obstructing and filibustering the
21 deposition because my question very clearly
22 referred to the 11/15/2023 reliance list.
23 MS. O'DELL: And you asked him a global
24 question about everything on the list. He's
25 previously been asked that question and he's

<p style="text-align: right;">Page 206</p> <p>1 testified to it. And as you know, this is a 2 update deposition. This is not a retread of 3 everything. 4 And, second, I'm just asking did you 5 receive in the Dropbox the updated materials 6 list? I just wanted to make sure we were 7 communicating and Dr. Clarke-Pearson had in 8 front of him the list that you're talking 9 about. 10 MS. DAVIDSON: It is now 2:00. I will 11 put the list up after your hearing. But I 12 will not end this deposition in the middle 13 of a question. So I need an answer to this 14 question that's pending before we take our 15 break for your hearing. 16 BY MS. DAVIDSON: 17 Q. Dr. Clarke-Pearson, did you -- how did 18 you decide -- with respect to the materials on your 19 amended reliance list, how did you decide when to 20 read an article in full or when to just read the 21 abstract? 22 A. Good question. First of all, when I 23 did my search, I would look at the title and see if 24 it was at all relevant to what I was looking for. 25 And then if it was, then I would open that document</p>	<p style="text-align: right;">Page 208</p> <p>1 many times, I can't tell you where -- who 2 identified which. Sorry. 3 Q. You testified in 2021 that you're not 4 relying on company documents to support your 5 opinions; is that correct? 6 MS. O'DELL: Object to the form. 7 THE WITNESS: Yes, that's correct. 8 BY MS. DAVIDSON: 9 Q. Is that still the case? 10 A. Yes. 11 MS. O'DELL: Object to form. 12 BY MS. DAVIDSON: 13 Q. Did you add any company documents to 14 your second amended reliance list? 15 A. I don't recall. 16 Q. If you could look at Item 121. Let's 17 put that up on the screen, Asher. We're marking 18 your second supplemental reliance list as 19 Exhibit 17 and let's go to Item 121. 20 MR. TRANGLE: 121, okay. 21 (Exhibit 17 marked for identification.) 22 BY MS. DAVIDSON: 23 Q. And at 121 says JNJALC001465273. Do 24 you recall adding that to your supplemental 25 reliance list?</p>
<p style="text-align: right;">Page 207</p> <p>1 up, usually PubMed, and the scan can go straight to 2 them in the abstract. And if it was something that 3 I wanted more detail on, give you the whole paper. 4 MS. DAVIDSON: Okay. It's 2:00. I 5 know you guys have a hearing. So we'll 6 reconvene when I hear from you. Thank you. 7 (Recess taken from 2:01 p.m. until 3:43 p.m.) 8 BY MS. DAVIDSON: 9 Q. Dr. Clarke-Pearson, how did you 10 identify the new studies that are listed on your 11 supplemental reliance list? 12 A. Well, a combination. I think we talked 13 about searching PubMed in particular, and actually 14 I use Google once in a while, to search for key 15 words, talc being a keyword. Ovarian cancer and 16 talc being a combination that I would use on 17 PubMed. So identified a number that way as time 18 goes on -- as time has gone on since the last 19 deposition. I've also been sent references, papers 20 from Ms. O'Dell. 21 Q. Is there a way for me to know which 22 items on your second amended reliance list you 23 found on your own and which were sent to you by 24 Ms. O'Dell? 25 A. Oh, man, I've looked at them for so</p>	<p style="text-align: right;">Page 209</p> <p>1 A. I -- I don't, no. 2 MS. O'DELL: If you're identifying -- 3 excuse me, if you're identifying something 4 by Bates Number, which obviously there are 5 hundreds of combinations of Bates numbers 6 which would be difficult for anyone to 7 remember much less in relation to all of the 8 things that Dr. Clarke-Pearson has reviewed. 9 If there's a specific document you want to 10 ask him about, just if you could pull it up 11 and he could identify it by something other 12 than a Bates Number. 13 MS. DAVIDSON: Well, Leigh, I have 14 asked multiple times today -- 15 MS. O'DELL: It seems to be a very 16 unfair way to try to identify a document for 17 him. 18 MS. DAVIDSON: Leigh, I've asked you 19 multiple times today to please keep your 20 objections to objection to form. Your 21 testimony is not called for here. You're 22 not the witness. And it is inappropriate 23 under federal law that you continue to try 24 to testify and tell the witness what to say. 25 BY MS. DAVIDSON:</p>

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1 Q. Dr. Clarke-Pearson, correct that you
2 stated that you don't recall what this document is;
3 right?
4 A. I don't even what -- you're talking
5 about Document 121.
6 Q. 121, yes.
7 A. Yes, I don't know what that is.
8 MS. DAVIDSON: Asher, could you please
9 mark as Exhibit 18 document Bates Number
10 JNJALC001465273 which is a March 17, 2020,
11 comprehensive review.
12 (Exhibit 18 marked for identification.)
13 BY MS. DAVIDSON:
14 Q. Dr. Clarke-Pearson, do you recall this
15 document now that it's in front of you?
16 A. I just see a title so far on the
17 document.
18 Q. Is the title familiar to you?
19 MS. O'DELL: I think if you -- I would
20 request that you put it in the chat so
21 Dr. Clarke-Pearson can see the document.
22 BY MS. DAVIDSON:
23 Q. Is this title familiar to you,
24 Dr. Clarke-Pearson?
25 A. Vaguely. Am I not allowed to see the

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1 document?
2 Q. You absolutely can.
3 A. Okay. Bring it on.
4 MS. DAVIDSON: Asher, you want to go to
5 the next page. It's a big document.
6 MR. TRANGLE: It's taking a while to
7 upload to the chat, but it should be added.
8 BY MS. DAVIDSON:
9 Q. It's 255 pages, so we obviously can't
10 show that all to you. But if you could go to the
11 next page, perhaps this will refresh
12 Dr. Clarke-Pearson's recollection.
13 Does this refresh your recollection
14 Dr. Clarke-Pearson, as to whether you've reviewed
15 this entire document?
16 A. I'm sorry, I don't recall this
17 document.
18 Q. Do you know how you -- do you know how
19 you received this document?
20 A. I believe it would be through my
21 attorneys.
22 Q. Did they -- did you ask them for this
23 document or did they provide it to you without
24 being asked?
25 A. I think they provided it to me.

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1 Q. Are you relying on this document in
2 forming your opinions?
3 A. No.
4 Q. Okay. Dr. Clarke-Pearson, if we could
5 go back to your expert report, page 13.
6 A. Yes.
7 Q. To your -- the section of your report
8 on the dose response. If you could put that up on
9 the screen, Asher.
10 Do the Emi Mandarin papers talk about
11 dose response?
12 A. Talk about dose response in terms of
13 the cell biology modification by exposure to
14 different doses of talcum, yes.
15 Q. Did Emi involve multiple exposure
16 metrics?
17 A. I believe it did. I'd have to go back
18 and take a look at it.
19 Q. If Emi did not involve multiple
20 exposure metrics, would it be relevant to
21 biological gradient or dose response?
22 MS. O'DELL: Objection.
23 THE WITNESS: Is that a hypothetical
24 question?
25 BY MS. DAVIDSON:

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1 Q. You can answer it as a hypothetical if
2 you don't know the answer to whether Emi involved a
3 single short-term exposure or a different exposure
4 dosages, sure.
5 A. May I look at Emi for a minute?
6 Q. Sure.
7 A. Thank you.
8 Q. If you'd like, I can -- if we could put
9 Emi page 1068 up on the screen after footnote 40.
10 Can you see that sentence that says,
11 "We believe we are the first to show."
12 "We believe we are the first to show
13 that a single short-term exposure in vitro to
14 particles can be linked to epigenome-wide DNA
15 methylation changes."
16 Do you see that?
17 A. Yes, I do.
18 Q. Does a single short-term exposure tell
19 you anything about dose response?
20 A. Shows about exposure, doesn't show
21 about dose.
22 Q. Do you know why you cited Emi under
23 your dose response section of your supplemental
24 report?
25 A. Yes. I believe if you look at

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1 Figure 5, you'll see a bar graph that shows dose
2 response.
3 Q. Is that relevant to your Bradford Hill
4 analysis which relates to epidemiology?
5 MS. O'DELL: Object to form.
6 THE WITNESS: The question you're
7 asking me has to do with the dose response
8 and the experimental -- in an experiment
9 that uses talc.
10 BY MS. DAVIDSON:
11 Q. In the Bradford Hill criteria, does the
12 dose response biological gradient consideration go
13 to experimental studies or does it go to
14 epidemiological studies?
15 A. Well, as I have my title in my report
16 here, it's biologic gradient/dose response, which I
17 interpret to go beyond just talking about dose
18 response in humans to looking at issues that
19 overlap with experiment which is also in the
20 Bradford Hill criteria.
21 Q. So do the Bradford Hill criteria
22 suggest that under dose response you should
23 consider experimental evidence, or is there a
24 separate consideration for experimental evidence?
25 MS. O'DELL: Object to form.

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1 THE WITNESS: I think that there's a
2 separate issue that -- a separate criteria
3 in Bradford Hill, as I understand it, that
4 talks about experiments. So doing
5 experiments support the impact, the
6 causation of talcum powder causing ovarian
7 cancer. Those are experiments in the
8 laboratory -- in those laboratory
9 experiments, there is a gradient and dose
10 response in these studies. So I included it
11 in both places.
12 BY MS. DAVIDSON:
13 Q. Okay. Asher, can you go back to
14 Figure 5.
15 Can you show me, Dr. Clarke-Pearson, on
16 Figure 5 where it would suggest that there were
17 different amounts of talc?
18 A. Well, I can't do that for you right
19 now. Maybe -- maybe I'm quoting the wrong figure.
20 Maybe it's Figure 6 is probably the one that we
21 should look at.
22 Q. So looking at Figure 5, which you
23 identified earlier, that does not show different
24 amounts of talc; correct?
25 A. I think I was mistaken. It's actually

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1 Figure 6.
2 Q. Can you explain to me how Figure 6
3 shows different amounts of talc?
4 A. I guess it's the effect of estrogen.
5 I'm mistaken. I'm sorry.
6 Q. Again, does the Emi paper support your
7 opinion that there's a dose dependent effect of
8 talcum powder on molecular changes associated with
9 carcinogenesis?
10 MS. O'DELL: I'm sorry, would you mind
11 repeating the last bit, Jessica, you trailed
12 off.
13 MS. DAVIDSON: Court reporter, did you
14 get it.
15 (The reporter read back the last question.)
16 THE WITNESS: Give me one moment. I
17 would like to look at the Harper paper
18 again.
19 BY MS. DAVIDSON:
20 Q. We're talking about the Emi paper, not
21 the Harper paper.
22 A. You asked if there's any paper.
23 Q. I said does the Emi paper, E-M-I.
24 A. Okay. That's not what I heard.
25 Q. I heard any, A-N-Y.

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1 A. The Emi paper, I cannot identify an
2 area where it shows a dose response.
3 Q. So was that an error in your report?
4 A. Apparently so.
5 Q. Did Davis 2021 find a dose response?
6 A. Let me turn to Davis 2021.
7 Q. Okay.
8 MS. O'DELL: So we're starting another
9 area of inquiry. Christine, I would just
10 how long have we been going?
11 THE REPORTER: 14 minutes.
12 MS. O'DELL: So that's over 4 hours.
13 All right. Jessica, you understand our
14 position on four hours. And so in terms of
15 further inquiry today, you know, you've
16 exceeded your time limit. I think we've
17 given you a little extra time actually. So
18 that's our position.
19 MS. DAVIDSON: Are you instructing
20 Dr. Clarke-Pearson not to answer the pending
21 question?
22 MS. O'DELL: There was no pending
23 question. You asked him to look at Davis.
24 He was pulling Davis.
25 MS. DAVIDSON: I asked him whether

<p style="text-align: right;">Page 218</p> <p>1 Davis identified a dose response.</p> <p>2 MS. O'DELL: I'll allow him to answer</p> <p>3 that question and then -- and then the</p> <p>4 deposition for today will be concluded.</p> <p>5 THE WITNESS: There is some dose</p> <p>6 response demonstrated here in frequency of</p> <p>7 general powder use in whites -- I'm sorry,</p> <p>8 correct me, I'm wrong on that.</p> <p>9 I would say that I don't see that.</p> <p>10 MS. DAVIDSON: Asher, can we put Davis</p> <p>11 2021 on the screen. Has that already been</p> <p>12 marked?</p> <p>13 MR. TRANGLE: It's not.</p> <p>14 MS. O'DELL: It's not marked and you</p> <p>15 had a question pending. I allowed him to</p> <p>16 answer that question. He responded and --</p> <p>17 MS. DAVIDSON: He did not respond.</p> <p>18 MS. O'DELL: -- you're over four hours,</p> <p>19 Jessica. That's the bottom line.</p> <p>20 MS. DAVIDSON: For the tenth time, you</p> <p>21 are in violation of the order which makes</p> <p>22 very clear that I get 14 hours, number 1,</p> <p>23 which I am not even going to ask. I was not</p> <p>24 going to ask for 14 hours.</p> <p>25 Number 2, he did not finish answering</p>	<p style="text-align: right;">Page 220</p> <p>1 questions with Dr. Clarke-Pearson and not</p> <p>2 going to allow me to ask rebuttal to those</p> <p>3 questions, is that your position?</p> <p>4 MS. O'DELL: That's correct. You know,</p> <p>5 we have a time limit, Jessica.</p> <p>6 MS. DAVIDSON: Yes, we do, in an order</p> <p>7 and it's 14 hours.</p> <p>8 MS. O'DELL: It's four hours.</p> <p>9 MS. DAVIDSON: Leigh, that's false.</p> <p>10 MS. O'DELL: Excuse me. Let me finish,</p> <p>11 Jessica. It's not wrong.</p> <p>12 MS. DAVIDSON: It's false.</p> <p>13 MS. O'DELL: He's already --</p> <p>14 MS. DAVIDSON: False.</p> <p>15 MS. O'DELL: -- been through 14 hours</p> <p>16 on his case specific opinions.</p> <p>17 MS. DAVIDSON: I understand. That</p> <p>18 ruling is from 2023. I mean you're just</p> <p>19 continuing to say false statements.</p> <p>20 MS. O'DELL: You're interrupting. Your</p> <p>21 rudeness -- please don't interrupt me.</p> <p>22 MS. DAVIDSON: You have spent the</p> <p>23 entire day, A, telling me that I only have</p> <p>24 4 hours for a 14-hour deposition, and then</p> <p>25 with very long speaking objections to every</p>
<p style="text-align: right;">Page 219</p> <p>1 the question. He was in the middle of</p> <p>2 answering whether Davis found a dose</p> <p>3 response. First, he said it did, then he</p> <p>4 said he wasn't sure. I don't think he's</p> <p>5 done. I was going to help him out by</p> <p>6 pointing him to the discussion in Davis of</p> <p>7 dose response so that he could answer the</p> <p>8 question accurately. If you'd like to leave</p> <p>9 his inaccurate answer on the record, that's</p> <p>10 your prerogative. We will go to court.</p> <p>11 MS. O'DELL: Well, you've made your</p> <p>12 position clear. You're going to court</p> <p>13 anyway. I believe he answered your</p> <p>14 question.</p> <p>15 Your inquiry today was limited to four</p> <p>16 hours. That's our position. We're going to</p> <p>17 maintain that. I recognize we have a</p> <p>18 disagreement, so be it the Court will have</p> <p>19 to deal with that.</p> <p>20 In terms of your further inquiry, I</p> <p>21 think your questions are concluded for the</p> <p>22 day. I have three small areas I'll follow</p> <p>23 up on.</p> <p>24 MS. DAVIDSON: Wait. Your position is</p> <p>25 that you're now going to follow up with</p>	<p style="text-align: right;">Page 221</p> <p>1 question in order to filibuster my time. So</p> <p>2 please don't me tell me that I was being</p> <p>3 rude.</p> <p>4 MS. O'DELL: That is not accurate and</p> <p>5 you know that. So I'm going to follow up on</p> <p>6 three small areas and then the deposition</p> <p>7 will be concluded for today.</p> <p>8 EXAMINATION</p> <p>9 BY MS. O'DELL:</p> <p>10 Q. So, Dr. Clarke-Pearson, I have a few</p> <p>11 questions for you. First, what was marked</p> <p>12 previously as Exhibit 4, I believe, was a Yahoo</p> <p>13 article that you sent to leadership at ACOG and</p> <p>14 SGO. Do you recall that discussion?</p> <p>15 A. Yes, I do.</p> <p>16 Q. And only a portion of this article was</p> <p>17 put on the screen for you to see at that time, and</p> <p>18 now we've had that printed. And I will mark it for</p> <p>19 purposes of the record if it's not already -- it's</p> <p>20 already been marked, excuse me, Exhibit 4.</p> <p>21 And I'd like for you to look at this</p> <p>22 article, Dr. Clarke-Pearson, and specifically look</p> <p>23 at page 3 of this exhibit. Do you see that --</p> <p>24 A. Yes.</p> <p>25 Q. -- at the bottom?</p>

<p style="text-align: right;">Page 222</p> <p>1 And does this article reference that</p> <p>2 Johnson's Baby Powder and other talc products</p> <p>3 contained asbestos and caused cancer, does it state</p> <p>4 that?</p> <p>5 A. In this article it says</p> <p>6 Johnson & Johnson Baby Powder and other talc</p> <p>7 products contain asbestos and cause cancer, which</p> <p>8 the company denies.</p> <p>9 Q. And when you referred to this article</p> <p>10 as referencing asbestos earlier, is that -- is that</p> <p>11 what you were referring to?</p> <p>12 A. Yes.</p> <p>13 MS. DAVIDSON: Objection.</p> <p>14 BY MS. O'DELL:</p> <p>15 Q. Now, if you would, Dr. Clarke-Pearson,</p> <p>16 would you put the Woolen study in front of you, if</p> <p>17 you don't have it.</p> <p>18 A. I have it.</p> <p>19 Q. And just for purposes of the record,</p> <p>20 that study was previously marked as -- I believe it</p> <p>21 was Exhibit 13. And I would ask you if you would</p> <p>22 turn to Table 2 of the study.</p> <p>23 A. Okay. I have it.</p> <p>24 Q. And, Dr. Clarke-Pearson, what is the</p> <p>25 title of Table 2?</p>	<p style="text-align: right;">Page 224</p> <p>1 A. I have it.</p> <p>2 Q. And in this table, Supplemental</p> <p>3 Table 1, did Woolen and others report the data not</p> <p>4 only from women with patent fallopian tubes, but</p> <p>5 all women?</p> <p>6 A. Yes. On the first -- the top part of</p> <p>7 the table is all women and nonusers, less frequent</p> <p>8 users, and daily users.</p> <p>9 Q. And what was the adjusted hazard ratio</p> <p>10 for daily users of all women?</p> <p>11 A. Adjusted was 1.27 with a confidence</p> <p>12 interval of 1.09.</p> <p>13 Q. And that was statistically significant?</p> <p>14 A. Yes.</p> <p>15 Q. And in terms of studies that were</p> <p>16 included in Woolen, let me ask you specifically</p> <p>17 regarding women with patent tubes. You were asked</p> <p>18 some questions about that. Do women who have</p> <p>19 hysterectomies or tubal ligation have a patent</p> <p>20 reproductive tract?</p> <p>21 A. No. I mean this is -- you take out the</p> <p>22 uterus, there's no way for talcum powder to get to</p> <p>23 the tubes. So the tubes really aren't functional.</p> <p>24 And if the tubes have been tied, then they're not</p> <p>25 patent either.</p>
<p style="text-align: right;">Page 223</p> <p>1 A. Process -- "Table 2. Publications</p> <p>2 included in the systematic review. Most frequent</p> <p>3 perineal talcum powder use reported for each study</p> <p>4 was abstracted."</p> <p>5 Q. And so did Dr. Woolen and others make</p> <p>6 clear that the data they extracted from the studies</p> <p>7 they included would be the data from those studies</p> <p>8 that was the most frequent application?</p> <p>9 A. That's what it says, yes.</p> <p>10 Q. And so when you were asked questions</p> <p>11 about Wu and different levels of exposure that were</p> <p>12 included in that study, wouldn't the greatest</p> <p>13 exposure characterized in Wu be the appropriate</p> <p>14 data to have included in the Woolen meta-analysis?</p> <p>15 A. That's what it says in Table 2. I</p> <p>16 don't recall the table that -- exactly in Wu, but</p> <p>17 it was, as I recall, greater than 20 years in a lot</p> <p>18 of -- we can pull that up if you want. It seemed</p> <p>19 like that was the highest level, yes.</p> <p>20 Q. And, also, in regard to Woolen, do you</p> <p>21 have the supplemental tables in front of you for</p> <p>22 Woolen?</p> <p>23 A. Yes.</p> <p>24 Q. And I would like to direct you to</p> <p>25 Supplemental Table Number 1.</p>	<p style="text-align: right;">Page 225</p> <p>1 Q. So for studies that excluded in the</p> <p>2 exposed cases, women with hysterectomies or tubal</p> <p>3 ligation, that would essentially be only included</p> <p>4 women in the cases who have patent tracts?</p> <p>5 A. If you take out those that have had</p> <p>6 hysterectomies and tubal ligations, then the</p> <p>7 remaining patients all have patent tubes.</p> <p>8 Q. Nothing further, Doctor. Thank you.</p> <p>9 A. Thank you.</p> <p>10 MS. DAVIDSON: Before we go off the</p> <p>11 record, I'm asking you again, am I allowed</p> <p>12 to ask follow-up questions on that? You're</p> <p>13 not going to let me do that?</p> <p>14 MS. O'DELL: You know, Jessica, I --</p> <p>15 MS. DAVIDSON: You're continuing to</p> <p>16 be --</p> <p>17 MS. O'DELL: I'm quite confident that</p> <p>18 when it comes to that point in time when we</p> <p>19 are examining expert witnesses on behalf</p> <p>20 of -- as -- on behalf of the plaintiffs</p> <p>21 steering committee, I'm examining a witness</p> <p>22 that is a defense expert that you will hold</p> <p>23 me to the minute and second. And we've</p> <p>24 given you very clear notice about what we</p> <p>25 feel the ground rules are here under the</p>

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1 order. And, further, we have given you
 2 additional minutes, and we're not going to
 3 give any further.
 4 MS. DAVIDSON: You are continuing to
 5 violate the order. And in violating the
 6 order, not only are you preventing me from
 7 having the time that I'm entitled to, but
 8 you are also enabling your witness to
 9 prepare further for the line of questioning
 10 that has begun which is highly
 11 inappropriate. And we will raise this with
 12 the Court. Thank you. We'll go off the
 13 record.
 14 - - -
 15 (Read and sign reserved.)
 16 - - -
 17 (Time noted at 4:09 p.m.)
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1 DEPOSITION ERRATA SHEET
 2
 3 Our Assignment No: 348852
 4 Case Caption: Talcum Powder Litigation MDL 2738
 5
 6 DECLARATION UNDER PENALTY OF PERJURY
 7 I declare under penalty of perjury that I
 8 have read the entire transcript of my deposition
 9 taken in the captioned matter or the same has been
 10 read to me, and the same is true and accurate, save
 11 and except for changes and/or corrections, if any,
 12 as indicated by me on the DEPOSITION ERRATA SHEET
 13 hereof, with the understanding that I offer these
 14 changes as if still under oath.
 15 Signed on the _____ day of _____,
 16 20__.
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 21 _____
 22 DANIEL CLARKE-PEARSON, M.D.
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1 CERTIFICATE OF REPORTER
 2
 3 I, Christine A. Taylor, Registered
 4 Professional Reporter and Notary Public for the
 5 State of North Carolina at Large, do hereby
 6 certify:
 7 That the foregoing deposition was taken
 8 before me on the date and at the time and location
 9 as stated in this transcript; that the deponent was
 10 located in Orange County, North Carolina; that the
 11 deponent was duly sworn to testify to the truth,
 12 the whole truth and nothing but the truth; that the
 13 testimony of the deponent and all objections made
 14 at the time of the examination were recorded
 15 stenographically by me and were thereafter
 16 transcribed; that the foregoing deposition as typed
 17 is a true, accurate and complete record of the
 18 testimony of the deponent and of all objections
 19 made at the time of the examination to the best of
 20 my ability.
 21 I further certify that I am neither related
 22 to nor counsel for any party to the cause pending
 23 or interested in the events thereof. Witness my
 24 hand, this 29th of January, 2024.
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